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CHAPTER 94-322

Committee Substitute for House Bill No. 2587

An act relating to small and minority business enterprises; amending s. 11.42, F.S.; revising requirements for audit by the Auditor General; amending s. 17.11, F.S.; clarifying certain financial disbursement reporting requirements of the Comptroller; amending s. 240.209, F.S.; requiring certain rules of the Board of Regents to provide for compliance with certain minority business enterprise utilization provisions for certain purposes; amending ss. 255.05, 288.063, 288.701, and 288.803, F.S.; conforming references to the Commission on Minority Economic and Business Development; creating s. 255.101, F.S.; specifying criteria for use of minority business enterprises in certain public construction contracts; creating s. 255.102, F.S.; establishing guidelines for rules for assessing use of minority business enterprises by contractors; amending s. 287.012, F.S.; providing a definition; amending s. 287.042, F.S.; allowing the Minority Business Advocacy and Assistance Office to monitor and consult with agencies for certain purposes; excluding protests filed by the Minority Business Advocacy and Assistance Office from application of provisions providing for award of attorney's fees and costs; providing for monitoring by the Minority Business Advocacy and Assistance Office in certain bid responses; amending s. 287.057, F.S.; imposing new requirements with respect to procurement of commodities or contractual services; requiring agencies to consider use of price preferences under certain circumstances; requiring contractors to report certain information; creating s. 287.0931, F.S.; encouraging government entities issuing bonds through underwriters to offer certain participation to minority firms; specifying requirements for minority firms; amending s. 287.094, F.S.; clarifying provisions relating to penalty for false representation in the minority business enterprise programs; amending s. 287.0943, F.S.; directing the office to convene the "Minority Business Certification Task Force"; providing for membership; providing duties; providing powers; requiring certification of businesses as minority business enterprises eligible to participate in state and local government minority purchasing programs; specifying criteria for certification; providing procedures; providing review and challenge procedures; requiring the office to maintain certain records; requiring the office to establish and administer a computerized data bank for certain purposes; requiring the office to adopt rules; creating s. 287.09431, F.S.; providing for a statewide and interlocal agreement on certification of business concerns for certain purposes; specifying the form and contents of such agreement; providing for transfer of functions, duties, accounts and other administrative details from the Department of Management Services to the Commission on Minority Economic and Business Development; amending s. 287.0945, F.S.; creating the Commission on Minority Business Economic and Business Development; providing for membership; providing for an executive administrator; providing duties of the commission; establishing the Minority Business Advocacy and Assistance Office within the commission; providing additional authority and duties; providing for authority to contract and to receive and accept gifts; provid-

ing requirements of agencies with respect to procurements; providing procedures; providing for guidelines for use of price preferences under certain circumstances; requiring agencies to furnish certain information to the Minority Business Advocacy and Assistance Office; clarifying duties of the Minority Business Advocacy and Assistance Office; amending s. 287.0947, F.S.; creating the Florida Council on Small and Minority Business Development; providing for membership; providing powers and duties of the council; amending ss. 24.113, 287.055, 288.1167 and 325.207, F.S.; correcting a cross reference; amending s. 288.703, F.S.; revising certain definitions; amending s. 288.705, F.S.; requiring the Small Business Development Center to coordinate with Minority Business Development Centers; providing for review and repeal of minority business enterprise provisions; repealing s. 288.704, F.S., relating to the Small and Minority Business Advisory Council; reviving and readopting ss. 288.707-288.714, s. 657.042(4)(b), and s. 658.67(4)(g), F.S., relating to the Black Business Investment Board; providing an effective date.

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

Section 1. Subsection (9) of section 11.42, Florida Statutes, is amended to read:

11.42 The Auditor General.—

(9) When authorized to audit the administrative services functions of any state agency, the Auditor General shall include, as a part of that review, a statement regarding agency compliance with the minority business enterprise procurement goals set forth in s. ~~287.0945~~ ~~287.042~~.

Section 2. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

(2) The Comptroller shall also cause to have reported from the state automated management accounting subsystem no less than quarterly the disbursements which agencies made to small businesses, as defined in the Florida Small and Minority Business Assistance Act of 1985; to certified minority business enterprises in the aggregate; and to certified minority business enterprises broken down into categories of minority persons, as well as gender and nationality subgroups. This information shall be made available to the agencies, ~~the Department of Commerce, the Minority Business Advocacy and Enterprise Assistance Office, the Small and Minority Business Advisory Council,~~ the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each agency shall be responsible for the accuracy of information entered into the state automated management accounting subsystem for use in this reporting.

Section 3. Subsection (1) of section 24.113, Florida Statutes, is amended to read:

24.113 Minority participation.—

(1) It is the intent of the Legislature that the department encourage participation by minority business enterprises as defined in s. 288.703. Accordingly, 15 percent of the retailers shall be minority business enterprises as defined in s. 288.703(2); however, no more than 35 percent of such retailers shall be owned by the same type of minority person, as defined in s. 288.703(3). The department is

encouraged to meet the minority business enterprise procurement goals set forth in s. ~~287.0945~~ ~~287.042~~ in the procurement of commodities, contractual services, construction, and architectural and engineering services. This section shall not preclude or prohibit a minority person from competing for any other retailing or vending agreement awarded by the department.

Section 4. Paragraphs (q) through (s) of subsection (3) of section 240.209, Florida Statutes, are redesignated as paragraphs (r) through (t), respectively, and a new paragraph (q) is added to said section to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(q) Adopt rules to ensure compliance with the provisions of s. 287.0945, for all State University System procurement, and additionally, ss. 255.101, and 255.102, for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.0945(7)(a).

Section 5. Paragraph (a) of subsection (1) of section 255.05, Florida Statutes, is amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state the name and principal business address of both the principal and the surety and must contain a description of the project sufficient to identify it. Such bond shall be conditioned that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all persons defined in s. 713.01 whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for \$100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for \$200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the director of the Department of Management Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than \$100,000 but less than \$200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally lia-

ble to persons suffering loss because of granting such exemption. The Department of Management Services shall compile an annual report that lists the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and states whether any request for delegation was denied and the justification for the denial. The report shall be submitted no later than February 1 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the Senate and the House of Representatives, and the Commission on Minority Economic and Business Development Small and Minority Business Advisory Council.

The state shall not be held liable to any laborer, materialman, or subcontractor for any amounts greater than the pro rata share as determined under this section.

Section 6. Section 255.101, Florida Statutes, is created to read:

255.101 Contracts for public construction works; utilization of minority business enterprises.—

(1) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions which are charged with the letting of contracts for public works and for the construction of public bridges, buildings, and other structures shall operate in accordance with s. 287.093, except that all contracts for the construction of state facilities should comply with provisions in s. 287.0945, and rules adopted pursuant thereto, for the utilization of minority business enterprises. When construction is financed in whole or in part from federal funds and where federal provisions for utilization of minority business enterprises apply, this section shall not apply.

(2) Counties, municipalities, and special districts as defined in chapter 189, or other political subdivisions of the state are encouraged to be sensitive to the effect of job-size barriers on minority businesses. To this end, these governmental entities are encouraged to competitively award public construction projects exceeding \$100,000.

Section 7. Section 255.102, Florida Statutes, is created to read:

255.102 Contractor utilization of minority business enterprises.—

(1) Agencies shall consider the use of price preferences, weighted preference formulas, or other preferences for construction contracts, as determined appropriate by the Minority Business Advocacy and Assistance Office in collaboration with the Division of Building Construction to increase minority participation.

(2) The Minority Business Advocacy and Assistance Office, in collaboration with the Division of Building Construction of the Department of Management Services and the State University System, shall adopt rules to determine what is a "good faith effort" for purposes of contractor compliance with minority participation goals established for competitively awarded building and construction projects. Pro forma efforts shall not be considered good faith. Factors which shall be considered by the state agency in determining whether a contractor has made good faith efforts shall include, but not be limited to:

(a) Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform minority business enterprises of contracting and subcontracting opportunities.

(b) Whether the contractor advertised in general circulation, trade association, or minority-focus media concerning the subcontracting opportunities.

(c) Whether the contractor provided written notice to all relevant subcontractors listed on the minority vendor list for that locality and statewide as provided by the agency as of the date of issuance of the invitation to bid, that their interest in the contract was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

(d) Whether the contractor followed up initial solicitations of interest by contacting minority business enterprises, the Minority Business Advocacy and Assistance Office, or minority persons who responded and provided detailed information about prebid meetings, access to plans, specifications, contractor's project manager, subcontractor bonding, if any, payment schedule, bid addenda, and other assistance provided by the contractor to enhance minority business enterprise participation.

(e) Whether the contractor selected portions of the work to be performed by minority business enterprises in order to increase the likelihood of meeting the minority business enterprise procurement goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate minority business enterprise participation under reasonable and economical conditions of performance.

(f) Whether the contractor provided the Minority Business Advocacy and Assistance Office as well as interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs at a time no later than when such information was provided to other subcontractors.

(g) Whether the contractor negotiated in good faith with interested minority business enterprises or minority persons, not rejecting minority business enterprises or minority persons as unqualified without sound reasons based on a thorough investigation of their capabilities or imposing implausible conditions of performance on the contract.

(h) Whether the contractor diligently seeks to replace a minority business enterprise subcontractor that is unable to perform successfully with another minority business enterprise.

(i) Whether the contractor effectively used the services of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

(3) If an agency considers any other criteria in determining whether a contractor has made a good faith effort, the agency shall adopt such criteria in accordance with s. 120.535, and, where required by that section, by rule, after the effective date of this act. In adopting such criteria, the agency shall identify the specific factors in as objective a manner as possible to be used to assess a contractor's performance against said criteria.

(4) Notwithstanding the provisions of s. 287.0945 to the contrary, agencies shall monitor good faith efforts of contractors in competitively awarded building

and construction projects, in accordance with rules established pursuant to this section. It is the responsibility of the contractor to exercise good faith efforts in accordance with rules established pursuant to this section, and to provide documentation necessary to assess efforts to include minority business participation.

Section 8. Subsection (20) is added to section 287.012, Florida Statutes, to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) "Office" means the Minority Business Advocacy and Assistance Office of the Commission on Minority Economic and Business Development.

Section 9. Paragraphs (a) and (c) of subsection (2), paragraphs (b), (c), and (f) of subsection (4), and subsections (11) and (15) of section 287.042, Florida Statutes, are amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(2)(a) To plan and coordinate purchases in volume and to negotiate and execute purchasing agreements and contracts for commodities and contractual services under which state agencies shall make purchases pursuant to s. 287.056, and under which a county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency may make purchases. In such planning or purchasing the Minority Business Advocacy and Assistance Office may monitor to ensure that opportunities are afforded for contracting with minority business enterprises. The division, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive sealed bid requirements otherwise applying to their purchases.

(c) Any person who files an action protesting a decision or intended decision pertaining to contracts administered by the division or a state agency pursuant to s. 120.53(5)(b) shall post with the division or the state agency at the time of filing the formal written protest a bond payable to the division or state agency in an amount equal to 1 percent of the division's or the state agency's estimate of the total volume of the contract or \$5,000, whichever is less, which bond shall be conditioned upon the payment of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. For protests of decisions or intended decisions of the division pertaining to agencies' requests for approval of exceptional purchases, the bond shall be in an amount equal to 1 percent of the requesting agency's estimate of the contract amount for the exceptional purchase requested or \$5,000, whichever is less. In lieu of a bond, the division or state agency may, in either case, accept a cashier's check or money order in the amount of the bond. If, after completion of the administrative hearing process and any appellate court proceedings, the

agency prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. This section shall not apply to protests filed by the Minority Business Advocacy and Assistance Office. Upon payment of such costs and charges by the person protesting the award, the bond, cashier's check, or money order shall be returned to him. If the person protesting the award prevails, he shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(4) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(b) Development of procedures for the releasing of requests for proposals and invitations to bid, which procedures shall include, but not be limited to, publication in the Florida Administrative Weekly of notice for requests for proposals at least 28 days before the date set for submittal of proposals and publication of notice for invitations to bid at least 10 calendar days before the date set for submission of bids. Upon written request of the agency, the division may waive the requirement for notice in the Florida Administrative Weekly. Notice of the request for proposals shall be mailed to prospective offerors at least 28 calendar days prior to the date for submittal of proposals. Notice of the invitation to bid shall be mailed to prospective bidders at least 10 calendar days prior to the date set for submittal of bids. The Minority Business Advocacy and Assistance Office may consult with agencies regarding the development of bid distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 288.703.

(c) Development of procedures for the receipt and opening of bids or proposals by an agency. Such procedures shall provide the Minority Business Advocacy and Assistance Office an opportunity to monitor and ensure that the contract award is consistent with the original request for proposal or invitation to bid, in accordance with s. 287.0945(6), and subject to the review of bid responses within standard timelines.

~~(f)1. Development of procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2). However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:~~

~~a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.~~

~~b. For architectural and engineering contracts: 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.~~

e.—For commodities: 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for native Americans, and 17 percent for American women.

d.—For contractual services: 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for native Americans, and 36 percent for American women.

2.—For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, "minority business enterprise" means any business concern which is organized to engage in commercial transactions, which is domiciled in this state, and which is at least 51 percent controlled by minority persons and the management and daily operations of which are controlled by such persons. "Minority person" has the same meaning as in s. 288.702(3). In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the division shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1995.

3.—In determining the base amounts for assessing compliance with this paragraph, the Minority Business Enterprise Assistance Office within the Department of Management Services shall develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Minority Business Enterprise Assistance Office, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

(11) To prepare statistical data concerning the method of procurement, terms, usage, and disposition of commodities and contractual services by state agencies. All agencies shall furnish such information for this purpose to the office and to the division, as the division or office may call for, but no less frequently than annually, on such forms or in such manner as the division may prescribe.

(15)(a) To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, minority status, and industry. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the division. All agencies shall cooperate with the division in establishing this reporting system. Except in construction contracting, all agencies shall, when practical, break contracts into logically smaller components within

a larger contract or, notwithstanding s. 287.057(8), into multiple smaller contracts to encourage minority participation, and such activity shall be reported to the division at least annually.

~~(b) To report agency compliance with the provisions of paragraph (a) for the preceding fiscal year to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Small and Minority Business Advisory Council on or before February 1 of each year. The report must contain, at a minimum, the following:~~

- ~~1. The dollar amount and percentage of contracts awarded to certified minority business enterprises by each state agency.~~
- ~~2. The dollar amount and percentage of contracts awarded indirectly to certified minority business enterprises as subcontractors by each state agency.~~
- ~~3. The total dollar amount and percentage of contracts awarded to certified minority business enterprises, whether directly or indirectly, as subcontractors.~~
- ~~4. A statement of good faith efforts taken by each state agency.~~
- ~~5. A status report of agency compliance with s. 287.0947, as determined by the Minority Business Enterprise Office.~~

Section 10. Paragraph (d) of subsection (3) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; definitions; procedures; contingent fees prohibited; penalties.—

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.

(d) Each agency shall adopt administrative procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and such other factors as may be determined by the agency to be applicable to its particular requirements. When securing professional services, an agency shall endeavor to meet the minority business enterprise procurement goals set forth in s. 287.0945 ~~287.042~~.

Section 11. Subsections (5), (6), and (7) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

(5) Upon issuance of any invitation to bid or request for proposals, an agency shall forward to the division one copy of each invitation to bid or request for proposals for all commodity and contractual services purchases in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO. An agency shall also, upon request, furnish a copy of all competitive sealed bid or competitive sealed proposal tabulations. The Minority Business Advocacy and Assistance Office may also request from the agencies any information submitted to the division pursuant to this subsection.

(6)(a) In order to strive to meet the minority business enterprise procurement goals set forth in s. 287.0945 ~~287.042~~, an agency may reserve any contract for com-

petitive sealed bidding only among certified minority business enterprises. Agencies shall review all their contracts each fiscal year and shall determine which contracts may be reserved for bidding only among certified minority business enterprises. This reservation may only be used when it is determined, by reasonable and objective means, before the invitation to bid that there are capable, qualified certified minority business enterprises available to bid on a contract to provide for effective competition. The Minority Business Advocacy and Assistance Office shall consult with any agency in reaching such determination when deemed appropriate.

(b) Before a contract may be reserved for bidding only by certified minority business enterprises, the agency head must find that such a reservation is in the best interests of the state. All determinations shall be subject to s. 287.0945(7). Once a decision has been made to reserve a contract, but before sealed bids are requested, the agency shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the sealed bids received are over this estimate, the agency may reject the bids and request new ones from certified minority business enterprises, or the agency may reject the bids and reopen the bidding to all eligible qualified bidders.

(c) All agencies shall consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for contractors as determined appropriate pursuant to guidelines established in accordance with s. 287.0945(6) to increase the participation of minority business enterprises.

(d) All agencies shall avoid any undue concentration of contracts or purchases in categories of commodities or contractual services in order to meet the minority business enterprise purchasing goals in s. 287.0945.

(7) An agency may reserve any contract for competitive sealed bidding only among qualified bidders who agree to utilize certified minority business enterprises as subcontractors or subvendors. The percentage of funds, in terms of gross contract amount and revenues, which must be expended with the certified minority business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved. In order to bid on a contract so reserved, the qualified bidder shall identify those certified minority business enterprises which will be utilized as subcontractors or subvendors by sworn statement. At the time of performance or project completion, the contractor shall report by sworn statement the payments and completion of work for all certified minority business enterprises used in the contract.

Section 12. Section 287.0931, Florida Statutes, is created to read:

287.0931 Minority business enterprises; participation in bond underwriting.—

(1) Any state or local government agency, or political subdivision thereof, issuing bonds or other tax exempt obligations through one or more underwriters is encouraged to offer not less than 20 percent participation to minority firms.

(2) To meet such participation requirement, the minority firm must have full-time employees located in this state, must have a permanent place of business located in this state, and must be a firm which is at least 51 percent owned by minority persons as defined in s. 288.703(3). However, for the purpose of bond underwriting only, the requirement that the minority person be a permanent resident of this state shall not apply.

Section 13. Section 287.094, Florida Statutes, is amended to read:

287.094 Minority business enterprise programs; penalty for false representation.—

(1) It is unlawful for any individual to falsely represent any entity as a minority business enterprise for purposes of qualifying for certification with any governmental certifying organization as a minority business ~~such an enterprise in order to participate~~ under a program of a state agency which is designed to assist certified minority business enterprises in the receipt of contracts with the agency for the provision of goods or services. Any person who violates this section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any contractor, ~~or firm, or individual~~ which falsely represents to an agency or to a contractor, pursuant to a state contract, that it is a certified minority business enterprise or which represents that it will use the services or commodities of a certified minority business enterprise and subsequently does not do so shall be in breach of contract. Upon determination that a breach has occurred, all payments under the contract may be immediately suspended. The contractor or firm may show that it attempted through reasonable and objective means and in good faith to comply with the terms of the contract relating to minority business enterprises but was unable to comply. If the agency determines that the contractor or firm did not act in good faith, all amounts paid to the contractor or firm under the state contract intended for expenditure with the certified minority business enterprises shall be forfeited and recoverable by the Department of Legal Affairs. In addition, the contract may be rescinded and the agency may return all goods received and recover all amounts paid under the contract.

(3) No contractor, ~~or firm, or individual~~ shall be qualified for 36 months to bid on contracts or negotiate for the rendering of professional services pursuant to s. 287.055 awarded by an agency after the office determines it is determined that the contractor, firm or individual it has falsely represented that it is a certified minority business enterprise, or the office has determined that the contractor, firm or individual ~~that it~~ has not acted in good faith to fulfill the terms of a contract calling for it to use the services or commodities of a certified minority business enterprise. If the Department of Legal Affairs determines or a court of law adjudges that a person was involved in a violation of this section, knew about such violation, or collaborated with a contractor or firm in such violation, the person shall not be a qualified vendor for the state disqualified for at least 36 months to bid on contracts or negotiate for the rendering of professional services pursuant to s. 287.055 awarded by an agency after such determination is made.

(4) A minority business enterprise that has been found guilty under subsection (1) shall not attempt to circumvent this section by creating ~~create~~ a new corporate structure ~~for the purpose of circumventing this section~~.

Section 14. Section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of minority business enterprises.—

(1)(a) The office is hereby directed to convene a "Minority Business Certification Task Force." The task force shall meet as often as necessary, but no less frequently than annually. ~~The Department of Management Services shall certify minority business enterprises, as defined in s. 288.703, and shall recertify such minor-~~

ity business enterprises not less than once each year. Minority business enterprises must be recertified annually by affidavit. The Minority Business Enterprise Office shall perform random, onsite reviews of recertified minority business enterprises to determine whether the applicants are meeting all certification requirements. All certified minority business enterprises must be currently performing a useful business function. A "useful business function" is defined as one which results in the provision of materials, supplies, equipment, or services to customers other than state government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. Upon certification of a minority business enterprise, the department shall notify the certified minority business enterprise in writing of obligations provided in subsection (7).

(b) The task force shall be regionally balanced and comprised of officials representing the department, counties, municipalities, school boards, special districts, and other political subdivisions of the state who administer programs to assist minority businesses in procurement or development in government-sponsored programs. The following organizations may appoint two members each of the task force who fit the description above:

1. The Florida League of Cities, Inc.
2. The Florida Association of Counties.
3. The Florida School Boards Association, Inc.
4. The Association of Special Districts.
5. The Florida Association of Minority Business Enterprise Officials.
6. The Florida Association of Government Purchasing Officials.

In addition, the Minority Business Advocacy and Assistance Office shall appoint 7 members consisting of 3 representatives of minority business enterprises, 2 officials of the office, and 2 at-large members to ensure regional, gender, racial and ethnic balance among the groups specified in s. 288.703(3). The chairperson of the Advisory Council on Intergovernmental Relations or a designee shall be a member of the task force, ex officio. A quorum shall consist of one-third of the current members and the task force may take action by majority vote. Any vacancy may only be filled by the organization or agency originally authorized to appoint the position.

(c) The purpose of the task force will be to propose uniform criteria and procedures by which participating entities and organizations can qualify businesses to participate in procurement or contracting programs as certified minority business enterprises.

(d) A final list of the criteria and procedures proposed by the task force shall be considered for adoption by majority vote of the Commission on Minority Economic and Business Development. The task force may seek technical assistance from qualified providers of technical, business, and managerial expertise to ensure the reliability of the certification criteria developed.

(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:

1. Link ownership by a minority person, as defined in s. 288.703(3), or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified; however, the minority licenseholder need not be the controlling owner of the enterprise, but must hold an ownership interest. Minority business enterprises presently certified by the state will not be subject to the licensure requirement until 5 years after the effective date of this act.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of two years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement shall not apply to minority persons who are otherwise eligible who take a 51 percent or greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified.

3. Require that prospective certified minority business enterprises be currently performing a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers other than state or local government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice.

(f) The certification procedures should include, at a minimum, an on-site visit to inspect business operations and verify statements included in the application, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(g) The certification criteria approved by the task force and adopted by the Commission on Minority Economic and Business Development shall be included in a statewide and interlocal agreement as defined in s. 287.09431 and, in accordance with s. 163.01, shall be executed according to the terms included therein.

(h) The certification procedures should allow an applicant seeking certification to designate on the application form the information the applicant considers to be proprietary, confidential business information. As used in this paragraph, "proprietary, confidential business information" includes, but is not limited to, any information that would be exempt from public inspection pursuant to the provisions of subsection s. 119.07(3); trade secrets; internal auditing controls and reports; contract costs; or other information the disclosure of which would injure the affected party in the marketplace or otherwise violate s. 286.041. The executor in receipt of the application shall issue written and final notice of any information for which noninspection is requested but not provided for by law.

(i) A business that is certified under the provisions of the statewide and interlocal agreement shall be deemed a certified minority enterprise in all jurisdictions or organizations where the agreement is in effect and that business is deemed available to do business as such within any such jurisdiction or with any such organization statewide. All state agencies must accept minority business enterprises certified in accordance with the statewide and interlocal agreement of s. 287.09431 and that business shall also be deemed a "certified minority business enterprise" as defined in s. 288.703. However, any governmental jurisdiction or organization that ad-

ministers a minority business purchasing program may reserve the right to establish further certification procedures necessary to comply with federal law.

(j) The statewide and interlocal agreement shall be guided by the terms and conditions found therein and may be amended at any meeting of the task force and subsequently adopted by majority vote of the Commission on Minority Economic and Business Development. The amended agreement must be enacted, initialed, and legally executed by at least two-thirds of the certifying entities party to the existing agreement and adopted by the state as originally executed in order to bind the certifying entity.

(k) The task force shall meet for the first time no later than 45 days after the effective date of this act.

(2)(a) The office shall review and evaluate the certification programs and procedures of all prospective executors of the statewide and interlocal agreement to determine if their programs exhibit the capacity to meet the standards of the agreement. Every contractor who is awarded a contract under this act shall report to the agency any subcontracts that he enters with nonminority contractors to provide services or materials required under the contract.

(b) The evaluations shall, at a minimum, consider: the certifying entity's capacity to conduct investigations of applicants seeking certification under the designated criteria; the ability of the certifying entity to collect the requisite data and to establish adequate protocol to store and exchange said information among the executors of the agreement and to provide adequate security to prevent unauthorized access to information gathered during the certification process; and the degree to which any legal obligations or supplemental requirements unique to the certifying entity exceed the capacity of that entity to conduct certifications.

(c) Any firms certified by organizations or governmental entities determined not to meet the standards of the agreement shall not be eligible to participate as certified minority business enterprises in the minority business assistance programs of the state or of the executors of the agreement. Such a firm may subsequently apply to an executor of the agreement for certification.

(d) Any organizations or governmental entities determined by the office not to meet the standards of the agreement shall not be eligible to execute the statewide and interlocal agreement as a participating organization until approved by the office.

(e) Any participating program receiving three or more challenges to its certification decisions pursuant to subsection (3) from other organizations that are executors to the statewide and interlocal agreement, shall be subject to a review by the office, as provided in paragraphs (a) and (b), of the organization's capacity to perform under such agreement and in accordance with the core criteria established by the task force. The office shall submit a report to the Commission on Minority Economic and Business Development regarding the results of the review.

(f) The office shall maintain a directory of all executors of the statewide and interlocal agreement. The directory should be communicated to the general public.

(3) A certification may be challenged by any executor to the statewide and interlocal agreement upon the grounds of failure by the certifying organization to adhere to the adopted criteria or to the certifying organization's rules and procedures.

or on the grounds of a misrepresentation or fraud by the certified minority business enterprise. The challenge shall proceed according to procedures specified in the agreement.

(4)(a) The Commission on Minority Economic and Business Development shall execute the statewide and interlocal agreement established under s. 287.09431 on behalf of the state by adoption on a majority vote. The office shall certify minority business enterprises in accordance with the agreement and, by affidavit, shall recertify such minority business enterprises not less than once each year.

(b) The office shall contract with parties to the statewide and interlocal agreement to perform on-site visits associated with state certifications. The Minority Business Advocacy and Assistance Office may perform random, on-site reviews of certified minority business enterprises to determine whether the applicants are meeting all certification requirements of a certified minority business enterprise and of a qualified vendor.

(5)(a)(3) The office department shall maintain up-to-date records of all certified minority business enterprises, as defined in s. 288.703, that are certified by a party to the statewide and interlocal agreement and of applications for certification that were denied an up-to-date vendors list of certified minority business enterprises and shall make this list available to all agencies. The office shall, for statistical purposes, collect and track subgroupings of gender and nationality status for each certified minority business enterprise. Agency spending shall also be tracked for these subgroups. The records list may include information about minority business enterprises that provide legal services, auditing services, and health services. Agencies shall use this list in efforts to meet the minority business enterprise procurement goals set forth in s. 289.0945 287.042.

(b) The office shall establish and administer a computerized data bank to carry out the requirements of subparagraph (a), to be available to all executors of the statewide and interlocal agreement. Data maintained in the data bank shall be sufficient to allow each executor to reasonably monitor certifications it has issued.

(6)(4) The office department shall identify minority business enterprises eligible for certification in all areas of state services and commodities purchasing. The office department may contract with a private firm or other agency, if necessary, in seeking to identify minority business enterprises for certification. Agencies may request the office department to identify certifiable minority business enterprises that are in the business of providing a given service or commodity; the office department shall respond to such requests and seek out such certifiable minority business enterprises.

(7)(6) The office department shall adopt rules necessary to implement this section.

(8)(6) State agencies shall comply with this act except to the extent that the requirements of this act are in conflict with federal law.

(9)(7) Any transfer of ownership or permanent change in the management and daily operations of a certified minority business enterprise which may affect certification must be reported to the original certifying jurisdiction or entity and to the office department within 14 days of the transfer or change taking place. In the event of a transfer of ownership, the transferee seeking to do business with the

state as a certified minority business enterprise is responsible for such reporting. In the event of a permanent change in the management and daily operations, owners seeking to do business with the state as a certified minority business enterprise are responsible for reporting such change to the office department. Any person violating the provisions of this subsection shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(10)(8)~~ The Auditor General may review these certifications pursuant to s. 11.45.

~~(11)(9)~~ Any executor of the statewide and interlocal agreement ~~The Department of Management Services~~ may revoke the certification or recertification of a firm doing business as a certified minority business enterprise if the minority business enterprise does not meet the requirements of the jurisdiction or certifying entity that certified or recertified the firm as a certified minority business enterprise, or the requirements of s. 287.0943(1), s. 288.703, and any rule of the office or the Department of Management Services or if the business acquired certification or recertification was obtained by means of falsely representing any entity as a minority business enterprise for purposes of qualifying for certification or recertification.

~~(12)(10)~~ A certified minority business enterprise for which certification or recertification has been revoked may not apply or reapply for certification or recertification for 36 months after the date of the notice of revocation.

~~(13)(a)(11)~~ Except for certification decisions issued by the office, an executor to the statewide and interlocal agreement shall, in accordance with its rules and procedures:

1. Give reasonable notice to affected persons or parties of its decision to deny certification based on failure to meet eligibility requirements of the statewide and interlocal agreement of s. 287.09431, together with a summary of the grounds therefor.

2. Give affected persons or parties an opportunity, at a convenient time and place, to present to the agency written or oral evidence in opposition to the action or of the executor's refusal to act.

3. Give a written explanation of any subsequent decision of the executor overruling the objections.

~~(b)~~ An applicant that is denied minority business enterprise certification based on failure to meet eligibility requirements of the statewide and interlocal agreement pursuant to s. 287.09431 may not reapply for certification or recertification until at least 6 months after the date of the notice of the denial of certification or recertification.

~~(14)~~ The office shall adopt rules in compliance with this part.

~~(12)~~ Local governments must accept minority business enterprises that are certified by the Department of Management Services as fully certified for their respective minority business enterprise programs when such minority business enterprises fall within one of the racial or gender classifications established by the respective local governmental unit. Local governments may not revoke certification of any minority business enterprise from the local government minority business enterprise program which has been certified by the department, unless notice

of the revocation is given to the department contemporaneously with notice of the revocation to the minority business enterprise.

Section 15. Section 287.09431, Florida Statutes, is created to read:

287.09431 Statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise.—The statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise is hereby enacted and entered into with all jurisdictions or organizations legally joining therein. If, within two years from the date that the certification core criteria are approved by the Commission on Minority Economic and Business Development, the agreement included herein is not executed by a majority of county and municipal governing bodies that administer a minority business assistance program on the effective date of this act, then the Legislature shall review this agreement. It is the intent of the Legislature that if the agreement is not executed by a majority of the requisite governing bodies, then a statewide uniform certification process should be adopted, and that said agreement should be repealed and replaced by a mandatory state government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for minority business assistance, declare that it is the policy of each of them, on the basis of cooperation with one another, to remedy social and economic disadvantage suffered by certain groups, resulting in their being historically underutilized in ownership and control of commercial enterprises. Thus, the parties seek to address this history by increasing the participation of the identified groups in opportunities afforded by government procurement.

(2) The parties find that the State of Florida presently certifies firms for participation in the minority business assistance programs of the state. The parties find further that some counties, municipalities, school boards, special districts, and other divisions of local government require a separate, yet similar, and in most cases redundant certification in order for businesses to participate in the programs sponsored by each government entity.

(3) The parties find further that this redundant certification has proven to be unduly burdensome to the minority-owned firms intended to benefit from the underlying purchasing incentives.

(4) The parties agree that:

(a) They will facilitate integrity, stability, and cooperation in the statewide and interlocal certification process, and in other elements of programs established to assist minority-owned businesses.

(b) They shall cooperate with agencies, organizations, and associations interested in certification and other elements of minority business assistance.

(c) It is the purpose of this agreement to provide for a uniform process whereby the status of a business concern may be determined in a singular review of the business information for these purposes, in order to eliminate any undue expense, de-

lay, or confusion to the minority-owned businesses in seeking to participate in the minority business assistance programs of state and local jurisdictions.

ARTICLE II

DEFINITIONS.—As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) “Awarding organization” means any political subdivision or organization authorized by law, ordinance, or agreement to enter into contracts and for which the governing body has entered into this agreement.

(2) “Commission” means the Commission on Minority Economic and Business Development as provided for in s. 287.0945.

(3) “Minority” means a person who is a lawful, permanent resident of the state, having origins in one of the minority groups as described and adopted by vote related to this agreement of the Commission on Minority Economic and Business Development, hereby incorporated by reference.

(4) “Minority business enterprise” means any small business concern as defined in subsection (5) that meets all of the criteria described and adopted by vote related to this agreement of the Commission on Minority Economic and Business Development, hereby incorporated by reference.

(5) “Participating state or local organization” means any political subdivision of the state or organization designated by such that elects to participate in the certification process pursuant to this agreement, which has been approved according to s. 287.0943(2) and has legally entered into this agreement.

(6) “Small business concern” means an independently owned and operated business concern which is of a size and type as described and adopted by vote related to this agreement of the commission, hereby incorporated by reference.

ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

(1) All awarding organizations shall accept a certification granted by any participating organization which has been approved according to s. 287.0943(2) and has entered into this agreement, as valid status of minority business enterprise.

(2) A participating organization shall certify a business concern that meets the definition of minority business enterprise in this agreement, in accordance with the duly adopted eligibility criteria.

(3) All participating organizations shall issue notice of certification decisions granting or denying certification to all other participating organizations within 14 days of the decision. Such notice may be made through electronic media.

(4) No certification will be granted without an on-site visit to verify ownership and control of the prospective minority business enterprise, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(5) The certification of a minority business enterprise pursuant to the terms of this agreement shall not be suspended, revoked, or otherwise impaired except on any grounds which would be sufficient for revocation or suspension of a certification in the jurisdiction of the participating organization.

(6) The certification determination of a party may be challenged by any other participating organization by the issuance of a timely written notice by the challenging organization to the certifying organization's determination within 10 days of receiving notice of the certification decision, stating the grounds therefor.

(7) The sole accepted grounds for challenge shall be the failure of the certifying organization to adhere to the adopted criteria or the certifying organization's rules or procedures, or the perpetuation of a misrepresentation or fraud by the firm.

(8) The certifying organization shall reexamine its certification determination and submit written notice to the applicant and the challenging organization of its findings within 30 days after the receipt of the notice of challenge.

(9) If the certification determination is affirmed, the challenging agency may subsequently submit timely written notice to the firm of its intent to revoke certification of the firm.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement shall be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing minority business assistance provisions and procedures by which minority business enterprises participate therein.

ARTICLE V

TERM.—The term of the agreement shall be 5 years, after which it may be reexecuted by the parties.

ARTICLE VI

AGREEMENT EVALUATION.—The designated state and local officials may meet from time to time as a group to evaluate progress under the agreement, to formulate recommendations for changes, or to propose a new agreement.

ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

(1) This agreement shall become effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it shall become effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

(2) Any party may withdraw from this agreement by enacting legislation repealing the same, but no such withdrawal shall take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

(3) No withdrawal shall relieve the withdrawing party of any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially responsible or liable for the obligations of any other participating organization related to this agreement.

(2) The provisions of this agreement shall constitute neither a waiver of any governmental immunity under Florida law nor a waiver of any defenses of the parties under Florida law. The provisions of this agreement are solely for the benefit of its executors and not intended to create or grant any rights, contractual or otherwise, to any person or entity.

ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Minority Business Advocacy and Assistance Office, and venue for any legal action in connection with this agreement shall lie, for any participating organization except the Minority Business Advocacy and Assistance Office, exclusively in the county where the participating organization is located. This agreement shall be governed by and construed in accordance with the laws and court decisions of the state.

ARTICLE XI

CONSTRUCTION AND SEVERABILITY.—This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the State Constitution or the United States Constitution, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the State Constitution, the agreement shall remain in full force and effect as to all severable matters.

Section 16. (1) Effective July 1, 1994, all power duties, functions, records, personnel, property, contracts, and unexpended balances of appropriations, allocations, or other funds of the Minority Business Enterprise Assistance Office within the Department of Management Services, as well as infrastructure and support services that support the Minority Business Enterprise Assistance Office, including, but not limited to, investigative, legal and administrative activities, are transferred to the Commission on Minority Economic and Business Development and assigned to the Minority Business Advocacy and Assistance Office, as established in s. 287.0945.

(2) Effective July 1, 1994, all power duties, functions, records, personnel, property, contracts, and unexpended balances of appropriations, allocations, or other funds of the Small and Minority Business Advocate within the Department of Commerce, as well as infrastructure and support services that support the Small and Minority Business Advocate, including, but not limited to, administrative activities, are transferred to the Commission on Minority Economic and Business Development and assigned to the Minority Business Advocacy and Assistance Office, as established in s. 287.0945.

(3) The administrative rules of the Minority Business Enterprise Assistance Office, and any rules of the Division of Purchasing that are administered by or directly affect the Minority Business Enterprise Assistance Office, that are in effect immediately prior to the effective date of this transfer shall remain in effect until specifically changed as provided by law.

(4) The provisions of this act do not affect the validity of any judicial or administrative proceedings pending as of June 30, 1994. The Commission on Minority Economic and Business Development shall be substituted as the real party in interest in any pending judicial or administrative proceedings transferred by these provisions wherein the Department of Management Services is the real party in interest.

(5) After the effective date of this section, the Department of Management Services shall provide to the Minority Business Advocacy and Assistance Office as established in s. 287.0945, all computing support formerly provided to the Minority Business Enterprise Assistance Office, including, but not limited to, the SPURS system, pursuant to interagency agreement.

(6) If any other legislation which is enacted in the 1994 Regular Session of the Legislature expressly or implicitly grants any authority to or imposes any power or duty upon the Minority Business Enterprise Assistance Office of the Department of Management Services, such authority may be exercised by and such power or duty is imposed upon the Minority Business Advocacy and Assistance Office as established in s. 287.0945.

Section 17. Section 287.0945, Florida Statutes, is amended to read:

287.0945 Commission on Minority Economic and Business Development Enterprise Assistance Office; powers, duties, and functions.—

(1) The Legislature finds that there is evidence that minority business enterprises face extraordinary obstacles and barriers to begin business concerns in this state and that these are important factors affecting the ability of minority businesses to compete for work in government contracting. The purpose and intent of the Legislature is to provide direction and assistance to efforts to provide these firms with technical, managerial, and financial assistance in order to make their search for government contracts consistently fruitful. The Legislature further finds that there is evidence of a systematic pattern of past and continuing racial discrimination against minority business enterprises and a disparity in the availability and use of minority business enterprises in the state procurement system. It is determined to be a compelling state interest to rectify such discrimination and disparity. Based upon statistical data profiling this discrimination, the Legislature has enacted race-conscious and gender-conscious remedial programs to ensure minority participation in the economic life of the state, in state contracts for the purchase of commodities and services, and in construction contracts. The purpose and intent of this section is to increase participation by minority business enterprises in the state procurement system. This purpose will be accomplished by encouraging the use of minority business enterprises and the entry of new and diversified minority business enterprises into the marketplace.

(2) There is hereby created the Commission on Minority Economic and Business Development, the membership of which shall be the Governor and Cabinet. The commission is assigned to the Department of Commerce for administrative

and fiscal accountability purposes. The Governor shall be the chairperson of the commission and may call a meeting of the commission when the need arises. All actions taken by the commission shall be based on approval by a simple majority.

(3)(a) An executive administrator of the commission shall be appointed and removed by the Governor with the approval of three members of the Cabinet and shall serve at the direction of the commission.

(b) The executive administrator shall be responsible for all administrative functions of the commission, including budgeting, personnel, purchasing, and such additional matters as may be delegated by the commission.

(c) The executive administrator, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations.

(d) The executive administrator shall develop a budget pursuant to the provisions of chapter 216. The budget is not subject to change by the Department of Commerce, but such budget shall be submitted to the Governor along with the budget of the department.

(4) The commission shall:

(a) Provide overall leadership and promote coordination of economic and business development resources for the benefit of minority business enterprises and of distressed communities that are affected by such businesses.

(b) Have the effectiveness of federal, state, and local efforts assessed in order to assist and develop minority business enterprises and the communities that they serve, and, support and ensure accountability with program requirements.

(c) Provide direction relating to economic and business development of minority business enterprises to regional and statewide planning entities to help promote the redevelopment of distressed areas, where necessary, and to foster strategic alliances among agencies so as to target resources and achieve specific objectives in the economic and business development of minority business enterprises.

(d) Develop a clear statement of the mission, desired outcomes and strategies for accomplishing such outcomes, and performance measures to assess whether such outcomes are being achieved for the state's minority business enterprise programs. Such outcomes shall be measurable and shall consider such goals as:

1. An increase in the size and profitability of minority businesses served by the programs.

2. An increase in the economic self-sufficiency and competitiveness of minority businesses, as measured by their ability to independently obtain necessary financial capital and surety bonding, and to successfully compete for larger government contracts, in terms of gross contract amount, outside of a reserved or sheltered market.

3. A significant reduction in the disparities evidenced by the statistical analysis relating to the availability and disparity in use of minority businesses in state procurement, as required in s. 287.0945(6)(p).

(e) Develop an analysis of the existing strategies of the state's minority business enterprise programs to determine whether such strategies are cost effective

or if alternative strategies should be developed to more cost effectively achieve the desired outcomes.

(f) The Commission shall submit the information required to be developed pursuant to paragraphs (d) and (e) to the President of the Senate and the Speaker of the House by September 1, 1995.

(g) During the 1997 Regular Session of the Legislature, the provisions of ss. 255.101, 255.102, 287.093, 287.0943, 287.09431 and 287.0945, and other provisions related to the minority business enterprise programs shall be reviewed by the Legislature, in accordance with the performance measures developed above, to determine their effectiveness in achieving stated goals, and to revise or modify program components for the full achievement of said measures.

(5)(2) The Minority Business Advocacy and Enterprise Assistance Office is established as a bureau within the commission Division of Purchasing to assist minority business enterprises in becoming suppliers of commodities, services, and construction to state government.

(6)(3) The Minority Business Advocacy and Enterprise Assistance Office shall have the following powers, duties, and functions:

(a) Make and execute contracts and other instruments necessary or convenient for the exercise of its powers and functions, and provide and pay for such advisory services and technical assistance as maybe necessary or desirable to carry out the purposes as outlined in s. 287.0945, F.S.

(b) Request or accept any grant, payment, or gift of funds or property made by this state, by the United States or any department or agency thereof or by any individual, firm, corporation municipality, county or organization for any or all of the purposes specified in s. 287.0945. All such funds shall be deposited into the budget entity of the office. The executive administrator may expend such funds in accordance with the terms and conditions of any such grant, payment or gift, or in the pursuit of the administration of the office or in support of the programs and promotional activities recommended to the commission.

(c) To adopt rules necessary to ensure agency and contractor compliance with the Florida Small and Minority Business Assistance Act of 1985.

(d) Collect all information necessary to adequately assess the level of compliance of agencies and contractors to the Florida Small and Minority Business Assistance Act.

(e) To develop, by rule, guidelines for all agencies to use in establishing the base amounts for assessing compliance with the agency spending goals in s. 287.0945. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a 45-day deadline for approval of utilization plans, a deadline for approval of the base amounts by the Minority Business Advocacy and Assistance Office, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221. The base amounts of each agency shall be reviewed by the executive director.

(f) To monitor agency-awarded contracts and the performance of any contract.

(g)(a) To adopt rules to determine what constitutes a "good faith effort" for purposes of state agency compliance with the minority business enterprise procurement goals set forth in s. 287.0945 ~~287.042~~. Pro forma efforts shall not be considered good faith. Factors which shall be considered by the Minority Business Advocacy and Enterprise Assistance Office in determining good faith effort shall include, but not be limited to:

1. Whether the agency scheduled presolicitation or prebid meetings for the purpose of informing minority business enterprises of contracting and subcontracting opportunities;

2. Whether the agency has met all reporting requirements relating to utilization of minority business enterprises.

3. Whether the agency has undertaken objective, reasonable, and accountable efforts in the establishment of the base for purchasing goals, in the distribution of information on contracting, and in the exercise of discretion in purchasing decisions to ensure that the maximum practicable opportunity for contracting is extended to minority business enterprises. Categories of expenditures excluded from the calculation of the base shall not be included in spending totals for the purpose of demonstrating compliance with the goals.

4.2. Whether the agency provided the Minority Business Advocacy and Assistance Office as well as interested minority business enterprises or minority persons from the most broad and diverse state marketplace of minority business enterprises relevant to the agency's purchasing needs with adequate information about the plans, specifications, and requirements of contracts or the availability of jobs in sufficient time to allow the minority business enterprises to participate effectively;

5.3. Whether the agency effectively used services and resources of the most broad and diverse group available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons; ~~and~~

6.4. Whether the agency provided written notice to the most broad and diverse marketplace a reasonable number of minority business enterprises that their interest in contracting with the agency was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

7. Whether the agency adequately and effectively assesses the efforts of contractors to utilize minority business enterprises and the contractor's showing of a good faith effort as defined below.

(f)(b) To adopt rules to determine what constitutes a "good faith effort" for purposes of contractor compliance with contractual requirements relating to the use of services or commodities of a minority business enterprise under s. 287.094(2). Pro forma efforts shall not be considered good faith. Factors which shall be considered by the Minority Business Advocacy and Enterprise Assistance Office in determining whether a contractor has made good faith efforts shall include, but not be limited to:

1. Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform minority business enterprises of contracting and subcontracting opportunities;

2. Whether the contractor advertised in general circulation, trade association, or minority-focus media concerning the subcontracting opportunities,;

3. Whether the contractor provided written notice to the most broad and diverse state marketplace of minority business enterprises relevant to the contractor's purchasing needs, which shall be all relevant subcontractors listed on the minority vendor list for that locality and statewide as provided by the agency as of the date of issuance of the invitation to bid, a reasonable number of specific minority business enterprises that their interest in the contract was being solicited in sufficient time to allow the minority business enterprises to participate effectively,;

4. Whether the contractor followed up initial solicitations of interest by contacting minority business enterprises, the Minority Business Advocacy and Assistance Office, or minority persons to determine with certainty whether the minority business enterprises or minority persons were interested,;

5. Whether the contractor selected portions of the work to be performed by minority business enterprises in order to increase the likelihood of meeting the minority business enterprise procurement goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate minority business enterprise participation under reasonable and economical conditions of performance,;

6. Whether the contractor provided the Minority Business Advocacy and Assistance Office as well as interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs in sufficient time to allow the minority business enterprises to participate effectively,;

7. Whether the contractor negotiated in good faith with interested minority business enterprises or minority persons, not rejecting minority business enterprises or minority persons as unqualified without sound reasons based on a thorough investigation of their capabilities or imposing implausible conditions of performance on the contract,; and

8. Whether the contractor diligently seeks to replace a minority business enterprise subcontractor that is unable to perform successfully with another minority business enterprise.

9.8. Whether the contractor effectively used the services of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

(g)(e) To adopt rules and do all things necessary or convenient to guide all state agencies toward making expenditures for commodities, contractual services, construction, and architectural and engineering services with certified minority business enterprises in accordance with the minority business enterprise procurement goals set forth in s. 287.042.

(h)(d) To review and comment on proposed agency rules relating to minority business enterprise procurement.

(i)(e) To adopt any rule necessary to monitor the degree to which agencies and contractors procure services, commodities, and construction from minority busi-

ness enterprises in conjunction with the Department of Banking and Finance as specified in s. 17.11.

~~(j)(f)~~ To receive and disseminate information relative to procurement opportunities, availability of minority business enterprises, and technical assistance.

~~(k)(g)~~ To advise agencies on and monitor methods and techniques for achieving procurement objectives.

~~(h)~~ To ~~provide a central minority business enterprise certification process which includes independent verification of status as a minority business enterprise.~~

~~(l)(i)~~ To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, F.S., that may include visits to work sites or business premises, and to refer all information on businesses suspected of misrepresenting minority status or other violations of law to the certifying organization and the office Department of Management Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Minority Business Advocacy and Assistance Office Department of Management Services shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

~~(j)~~ To ~~maintain a directory of all minority business enterprises which have been certified and provide this information to any agency or business requesting it.~~

~~(m)(k)~~ To encourage all firms which do more than \$1 million in business with the state within a 12-month period to develop, implement, and submit to this office a minority business development plan.

~~(l)~~ To ~~communicate on a monthly basis with the Small and Minority Business Advisory Council to keep the council informed on issues relating to minority enterprise procurement.~~

~~(n)~~ To serve as an advocate for minority business enterprises, and coordinate with the small and minority business ombudsman, as defined in s. 288.703, which duties shall include:

1. Ensuring that agencies supported by state funding effectively target the delivery of services and resources including those described in s. 288.701(3), as related to minority business enterprises.

2. Establishing standards within each industry with which the state government contracts on how agencies and contractors may provide the maximum practicable opportunity for minority business enterprises.

3. Assisting agencies and contractors by providing outreach to minority businesses, by specifying and monitoring technical and managerial competence for minority business enterprises, and by consulting in planning of agency procurement to determine how best to provide opportunities for minority business enterprises.

4. Integrating technical and managerial assistance for minority business enterprises with government contracting opportunities.

~~(o)~~ To certify minority business enterprises, as defined in s. 288.703, and as specified in s. 287.0943 and s. 287.09431, and shall recertify such minority busi-

nesses not less than once a year. Minority business enterprises must be recertified annually by affidavit.

(p)1. To develop procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the State University construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2), or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, "minority business enterprise" has the same meaning as provided in s. 288.703. "Minority person" has the same meaning as in s. 288.703(3). In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the division, with the assistance of the Minority Business Advocacy and Assistance Office, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1995.

3. In determining the base amounts for assessing compliance with this paragraph, the Minority Business Advocacy and Assistance Office shall develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Minority Business Advocacy and Assistance Of-

rice, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

4. Determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of minority business enterprises in state contracting. These guidelines shall include consideration of:

- a. Size and complexity of the project.
- b. The concentration of transactions with minority business enterprises for the commodity or contractual services in question in prior agency contracting.
- c. The specificity and definition of work allocated to participating minority business enterprises.
- d. The capacity of participating minority business enterprises to complete the tasks identified in the project.
- e. The available pool of minority business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. Determine guidelines for use of joint ventures to meet minority business enterprises spending goals. For purposes of this section, "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines shall allow transactions with joint ventures to be eligible for credit against the minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration shall be by verifiable documents and sworn statements and may be reviewed by the Minority Business Advocacy and Assistance Office at or before the time a contract bid is submitted. An agency may count toward its minority business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified minority business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

(q)1. To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, minority status, industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system

at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to determine if such contracts could be divided into smaller contracts to be separately bid and awarded, and shall, when economical, offer such smaller contracts to encourage minority participation.

2. To report agency compliance with the provisions of subparagraph 1. for the preceding fiscal year to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Commission on Minority Economic and Business Development on or before February 1 of each year. The report must contain, at a minimum, the following:

- a. Total expenditures of each agency by industry.
- b. The dollar amount and percentage of contracts awarded to certified minority business enterprises by each state agency.
- c. The dollar amount and percentage of contracts awarded indirectly to certified minority business enterprises as subcontractors by each state agency.
- d. The total dollar amount and percentage of contracts awarded to certified minority business enterprises, whether directly or indirectly, as subcontractors.
- e. A statement and assessment of good faith efforts taken by each state agency.
- f. A status report of agency compliance with s. 287.0945(8), as determined by the Minority Business Enterprise Office.

(7)(a) Each agency shall, at the time the specifications or designs are developed or contract sizing is determined for any proposed procurement costing in excess of CATEGORY FOUR, as defined in s. 287.017, forward a notice to the Minority Business Advocacy and Assistance Office of the proposed procurement and any determination on the designs of specifications of the proposed procurement that impose requirements on prospective vendors, no later than 30 days prior to the issuance of a solicitation, except that this provision shall not apply to emergency acquisitions. The 30-day notice period shall not toll the time for any other procedural requirements.

(b) If the Minority Business Advocacy and Assistance Office determines that the proposed procurement will not likely allow opportunities for minority business enterprises, the office may, within 20 days after it receives the information specified in paragraph (a), propose the implementation of minority business enterprise utilization provisions or submit alternative procurement methods that would significantly increase minority business enterprise contracting opportunities.

(c) Whenever the agency and the Minority Business Advocacy and Assistance Office disagree, the matter shall be submitted for determination to the head of the agency or the senior-level official designated pursuant to this section as liaison for minority business enterprise issues.

(d) Should the proposed procurement proceed to competitive bidding, the office is hereby granted standing to protest, pursuant to s. 287.0945, in a timely manner, any contract award in competitive bidding for contractual services and construction contracts that fail to include minority business enterprise participation, if any responding bidder has demonstrated the ability to achieve any level of par-

ticipation, or, any contract award for commodities where, a reasonable and economical opportunity to reserve a contract, statewide or district level, for minority participation was not executed or, an agency failed to adopt an applicable preference for minority participation. The bond requirement shall be waived for the office purposes of this subsection.

(e) An agency may presume that a bidder offering no minority participation has not made a good faith effort when other bidders offer minority participation of firms listed as relevant to the agency's purchasing needs in the pertinent locality or statewide to complete the project.

(f) Paragraph (a) above will not apply when the Minority Business Advocacy and Assistance Office determines that an agency has established a work plan to allow advance consultation and planning with minority business enterprises and where such plan clearly demonstrates:

1. A high level of advance planning by the agency with minority business enterprises.

2. A high level of accessibility, knowledge and experience by minority business enterprises in the agency's contract decision-making process.

3. A high quality of agency monitoring and enforcement of internal implementation of minority business utilization provisions.

4. A high quality of agency monitoring and enforcement of contractor utilization of minority business enterprises, especially tracking subcontractor data, and ensuring the integrity of subcontractor reporting.

5. A high quality of agency outreach, agency networking of major vendors with minority vendors, and innovation in techniques to improve utilization of minority business enterprises.

6. Substantial commitment, sensitivity and proactive attitude by the agency head and among the agency minority business staff.

(8) Each state agency shall coordinate its minority business enterprise procurement activities with the Minority Business Advocacy and Assistance Office. At a minimum, each agency shall:

(a) Adopt a minority business enterprise utilization plan for review and approval by the Minority Business Advocacy and Assistance Office which should require meaningful and useful methods to attain the legislative intent in assisting minority business enterprises.

(b) Adopt rules which set forth procedures to achieve the minority business enterprise procurement goals set forth in s. 287.0945.

(c) Designate a senior-level employee in the agency as a minority enterprise assistance officer, responsible for overseeing the agency's minority business enterprise utilization activities, and who is not also charged with purchasing responsibility. A senior-level agency employee and agency purchasing officials shall be accountable to the agency head for the agency's minority business utilization performance. The Minority Business Advocacy and Assistance Office shall advise each agency on compliance performance.

(d) If an agency deviates significantly from its utilization plan in 2 consecutive or 3 out of 5 total fiscal years, the Minority Business Advocacy and Assistance Office may review any and all solicitations and contract awards of the agency as deemed necessary until such time as the agency meets its utilization plan.

Section 18. Section 287.0947, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 287.0947, Florida Statutes, for present text.)

287.0947 Florida Council on Small and Minority Business Development; creation; membership; duties.—

(1) On or after October 1, 1994, the Commission on Minority Business Economic and Business Development may create the Florida Council on Small and Minority Business Development with the purpose of advising and assisting the commission in carrying out its duties. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 21 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

(a) The Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Management Services, and the Secretary of Labor and Employment Security, or their respective designees.

(b) Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(c) Seven members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils, among whom at least two shall be women and at least four shall be minority persons.

(d) Two representatives of local government; one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.

(e) Two representatives from the banking and insurance industry; and,

(f) Two members from the private business sector, representing the construction and commodities industries.

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the commission, in the manner of the original appointment.

(2) Each appointed member shall serve for a term of 2 years from the date of appointment, except that a vacancy shall be filled by appointment for the remainder of the unexpired term. The council shall annually elect a chairman and a vice chairman. The council shall adopt internal procedures or bylaws necessary for efficient operations. Members of the council shall serve without compensation or honorarium but shall be entitled to per diem and travel expenses pursuant to s. 112.061 for the performance of duties for the council. The executive administrator of the commission may remove a council member for cause.

(3) Within 30 days after its initial meeting, the council shall elect from among its members a chairman and a vice chairman.

(4) The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the commission or its executive administrator, or at such times as may be prescribed by rule, but not less than once a year, to offer its views on issues related to small and minority business development of concern to this state. A majority of the members of the council shall constitute a quorum.

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(22), requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the Legislature, and the commission on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

(6) On or before January 1 of each year, the council shall present an annual report to the commission that sets forth in appropriate detail the business transacted by the council during the year and any recommendations to the commission, including those to improve business opportunities for small and minority business enterprises.

Section 19. Subsection (5) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(5) The factors specified in subsection (4) shall be considered by a committee composed of the Secretary of Commerce, the Secretary of Transportation, the Secretary of Community Affairs, the Secretary of Labor and Employment Security, the Secretary of Environmental Regulation, the chairman of the Economic Development Advisory Council, and the executive administrator of the Commission on Minority Economic and Business Development ~~chairman of the Small and Minority Business Advisory Council~~ or their designees. The committee members shall provide a written record of their individual votes on each project considered. Four members present shall constitute a quorum for decisionmaking. Meetings of the committee shall be called by the Secretary of Commerce as needed.

Section 20. Subsection (1) of section 288.1167, Florida Statutes, is amended to read:

288.1167 Sports franchise contract provisions for food and beverage concession and contract awards to minority business enterprises.—Any applicant who receives funding pursuant to the provisions of s. 212.20 must demonstrate that:

(1) Funds and facilities with respect to food and beverage and related concessions shall be awarded to minority business enterprises as defined in s. 288.703 on the same terms and conditions as the general food and beverage concessionaire and in accordance with the minority business enterprise procurement goals set forth in s. ~~287.0945~~ ~~287.042~~;

Section 21. Paragraphs (b), (d), (e), (f), and (g) of subsection (3) of section 288.701, Florida Statutes, are amended to read:

288.701 Assistance to small businesses.—

(3) DUTIES OF THE DIVISION OF ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMERCE.—The Division of Economic Development of the Department of Commerce shall establish and administer programs or shall coordinate with existing programs to:

(b) Compile packets of information useful to small and minority businesses and distribute such packets to all occupational licensing offices in the state. Information in the packets shall include, but not be limited to, information relating to:

1. Locations and functions of Small Business Development Centers.
2. Locations and functions of Minority Business Development Centers.
3. Functions of the Division of Economic Development and programs offered by the division.
4. Functions of the Commission on Minority Economic and Business Development ~~Small and Minority Business Advisory Council~~.
5. Florida taxes and licensing requirements.
6. Federal and state registration and reporting requirements for starting a business in Florida.

(d) Provide, in cooperation with the Florida Small Business Development Center, Minority Business Development Centers, and other existing small and minority business assistance programs, a system for the development, collection, summarization, and dissemination of information helpful to any person in establishing or operating a small and minority business, including information on:

1. The identification and development of new business opportunities.
2. Feasibility studies.
3. Market research.
4. The operation, management, and financing of small and minority businesses.
5. Programs of federal, state, and local governmental agencies which benefit small and minority businesses.

6. The incentives and programs listed in s. 290.007 which are available in enterprise zones in this state.

7. The right provided in s. 120.54(5) of any person regulated by an agency or having a substantial interest in an agency rule to petition such agency to adopt, amend, or repeal a rule or to provide the minimum public information required by s. 120.53.

(e) In cooperation with existing state and federal small and minority business assistance programs, assist and counsel small businesses on:

1. How to deal with federal, state, or local governmental agencies.
2. How to meet federal, state, or local regulation.
3. Policies of federal, state, and local governments relating to procurement and disposal of government property and government contracts.
4. How to utilize the incentives and programs listed in s. 290.007 that are available in enterprise zones in this state.

(f) Receive complaints and suggestions concerning policies and activities of federal, state, and local governmental agencies which affect small and minority businesses; receive written complaints and act as ombudsman concerning state agency rules and proposed rules; develop, in cooperation with the agency, proposals for changes in policies, rules, or activities to alleviate any unnecessary or disproportionate adverse effects to small and minority businesses; and work with the agency in implementing the changes.

(g) In cooperation with the Florida Small Business Development Centers, Minority Business Development Centers, and other existing small and minority business assistance programs, conduct studies, workshops, and seminars dealing with small and minority businesses.

Section 22. Section 288.703, Florida Statutes, is amended to read:

288.703 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(1) "Small business" means an independently owned and operated business concern that employs ~~100~~ 50 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$3 ~~\$1~~ million and an average net income after federal income taxes, excluding any carryover losses, for the preceding 2 years of not more than \$2 million. As applicable to sole proprietorships, the ~~\$3~~ \$1 million net worth requirement shall include both personal and business investments.

(2) "Minority business enterprise" means any small business concern as defined in subsection (1) which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51 percent owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession.

(3) "Minority person" means a lawful, permanent resident of Florida who is:

(a) ~~An African A black American, a person having origins in any of the black racial groups of the African Diaspora Africa.~~

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(d) A native American, a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services.

(e) An American woman.

(4) "Certified minority business enterprise" means a business which has been certified by the certifying organization or jurisdiction in accordance with s. 287.0943(1) Department of Management Services to be a minority business enterprise.

(5) "Commission" means the Commission on Minority Economic and Business Development "~~Council~~" means the ~~Florida Small and Minority Business Advisory Council.~~

(6) "Ombudsman" means an office or individual whose responsibilities include coordinating with the Minority Business Advocacy and Assistance Office for the interests of and providing assistance to small and minority business enterprises businesses in dealing with governmental agencies and in developing proposals for changes in state agency rules.

(7) "Financial institution" means any bank, trust company, insurance company, savings and loan association, credit union, federal lending agency, or foundation.

Section 23. The introductory paragraph of section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System, a Type I center of the State University System funded as provided in Pub. L. No. 96-302, as amended, with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute such information to Florida small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to ~~the Department of Management Services, the Department of Commerce; and the Commission on Minority Economic and Business Development Small and Minority Business Advisory Council~~ on utilization of the statewide contracts register. Such report shall include, but not be limited to, information relating to:

Section 24. Paragraph (b) of subsection (1) of section 288.803, Florida Statutes, is amended to read:

288.803 Florida International Affairs Commission.—

(1)

(b) The commission shall consist of the Governor, who shall serve as chairman; the Secretary of State; the Commissioner of Education; the Comptroller; the Commissioner of Agriculture; the Secretary of Commerce; the Chancellor of the State University System; the executive director of the State Community College System; a member of the House of Representatives who shall serve ex officio nonvoting, and be appointed by the Speaker of the House of Representatives and serve at his pleasure; a member of the Senate who shall serve ex officio nonvoting, and be appointed by the President of the Senate and serve at his pleasure; and members to be appointed by the Governor, subject to confirmation by the Senate, consisting of the following:

1. Two representatives of a world trade council, world trade center, chamber of commerce, the Florida Council of International Development, or other organization which is actively and substantially engaged in the promotion of international trade and commerce in this state.

2. A person experienced in the international trade and tourism aspects of the state's deepwater ports, chosen from a list of three names submitted to the Governor by the Florida Ports Council.

3. A person experienced in the operation of international airports in this state.

4. A representative of the Florida International Trade and Investment Council.

5. A representative of the Florida Tourism Commission.

6. A representative of a statewide business promotion organization, such as the Florida Chamber of Commerce or the Florida Economic Development Council, who has had significant experience in the promotion of international trade or investment.

7. A person having extensive experience in foreign language instruction or international education.

8. A person experienced in international law or international governmental relations.

9. A person experienced in international banking and financial services at a major banking institution in this state which is actively engaged in the financing of international business transactions.

10. A representative of a company in this state that is actively engaged in the manufacture of products in this state for sale in foreign markets.

11. A representative of a major company in this state that is actively engaged in the promotion of international tourism in this state.

12. A member of the Florida Citrus Commission experienced in the exportation of citrus products who owns, operates, or is employed by a major company in this state that is actively engaged in the exportation of citrus products from this state to international markets.

13. A representative of a major multinational company with offices in this state.

14. Two members possessing special competence in matters determined by the Governor to be of particular international concern, including, but not limited to, drug interdiction, law enforcement, immigration, and human rights.

15. The executive administrator of the Commission on Minority Economic and Business Development ~~A representative of the Small and Minority Business Advisory Council.~~

To the greatest possible extent, the Governor shall appoint persons to the commission who are recognized leaders within their respective areas of expertise and who hold positions of high stature within their respective companies or business entities, such as chairman of the board, president, chief executive officer, or chief operating officer, or positions of comparable importance or prestige. The importance of minority representation shall be considered when making appointments to the commission and to any advisory council created thereunder. In order to ensure that the commission maintains a statewide perspective, the membership of the commission must include at least one person from each of the following regions: Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties; Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties; Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, Polk, St. Lucie, Seminole, Sumter, and Volusia Counties; Region 4, composed of Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties; Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, and Sarasota Counties; and Region 6, composed of Broward, Dade, Martin, Monroe, and Palm Beach Counties.

Section 25. Paragraph (k) of subsection (8) of section 325.207, Florida Statutes, is amended to read:

325.207 Inspection stations; department contracts; inspection requirements; recordkeeping.—

(8) Any contract authorized under this section shall contain:

(k) A provision requiring compliance with minority business enterprise procurement goals set forth in s. ~~287.0945~~ ~~287.042~~ in contracts for the construction of inspection stations and for document printing costs and costs associated with the maintenance, repair, reconstruction, renovation, and expansion of inspection stations. Each contractor shall submit to the department no later than March 1 of each year an affidavit certifying compliance with the provisions of this paragraph.

Section 26. The provisions of ss. 255.101, 255.102, 287.093, 287.0943, 287.09431, and 287.0945, Florida Statutes, and any other provisions related to the minority business enterprise programs shall be repealed on July 1, 2001, contingent upon the completion of the statistical disparity analysis required pursuant to s. 287.0945(6)(p) to be completed in the year 2000, and said provisions shall be reviewed by the Legislature prior to said repeal date to determine their effectiveness in achieving stated goals and to revise or modify program components for the full achievement of said goals.

Section 27. Section 288.704, Florida Statutes, is hereby repealed.

Section 28. Notwithstanding section 32 of chapter 85-104, Laws of Florida, ss. 288.707, 288.708, 288.709, 288.71, 288.711, 288.712, 288.713, and 288.714, s. 657.042(4)(b), and s. 658.67(4)(g), Florida Statutes, shall not stand repealed on October 1, 1995, but are hereby revived and readopted.

Section 29. This act shall take effect upon becoming a law.

Approved by the Governor May 31, 1994.

Filed in Office Secretary of State May 31, 1994.

CHAPTER 94-323

House Bill No. 2589

An act relating to defense conversion and transition; amending s. 288.03, F.S.; requiring the Division of Economic Development of the Department of Commerce to provide assistance to local governments or certain community base reuse commissions for certain purposes; creating s. 288.971, F.S.; providing legislative findings; creating s. 288.972, F.S.; providing legislative intent; creating s. 288.973, F.S.; creating the Florida Defense Conversion and Transition Commission; providing for membership; providing for meetings of the commission; providing for staff support; providing for travel and per diem expenses; providing for future repeal; creating s. 288.974, F.S.; providing for powers and duties of the commission; requiring the commission to develop a state plan of action for certain purposes; requiring an annual report; providing for future repeal; creating s. 288.975, F.S.; providing for military base reuse planning; providing definitions; providing for components of the military base reuse plan; providing requirements for use and adoption of a military base reuse plan; providing for plan time limits; providing for dispute resolution by the Administration Commission; creating s. 288.976, F.S.; providing powers and duties for certain state agencies and departments; creating s. 288.977, F.S.; providing for disposition of military base property; creating s. 288.980, F.S.; providing for the creation of a grant program to assist communities with military installations that would be adversely affected by base realignment or closure actions; providing definitions; providing eligibility requirements; amending s. 403.953, F.S.; providing for eligibility under the Jobs Siting Act for certain projects located on closed military installations; providing an effective date.

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

Section 1. Subsection (29) is added to section 288.03, Florida Statutes, to read:

288.03 Powers and duties of Division of Economic Development.—The general purposes of the Division of Economic Development of the Department of Commerce shall be to guide, stimulate, and promote the coordinated, efficient, and beneficial development of the state and its regions, counties, and municipalities in ac-

cordance with present and future needs and resources and the requirements of the prosperity, convenience, comfort, health, safety, and general welfare of the people of the state. For the accomplishment of such purposes, the division shall have the power and authority to make expenditures for and to:

(29) Provide advice and assistance to local governments or federally recognized community base reuse commissions seeking federal grants for activities associated with the closure or realignment of a military installation, where appropriate or upon request by the local government or community base reuse commission.

Section 2. Section 288.971, Florida Statutes, is created to read:

288.971 Legislative findings.—The Legislature finds that the Federal Government is in the midst of major post-Cold War reductions in the nation's defense industry with more than 40 percent reductions in defense spending and 30 percent decreases in military personnel by 1997 resulting in many military base closures and the elimination of numerous defense contracts for goods and services. Already, five communities of this state are facing the consequences of base closures and realignments with further actions expected during the next round of federal decisions in 1995. The Legislature also finds that defense programs and activities have been major factors in the state's economic and technological progress, responsible for over \$16 billion in direct and indirect spending in the state, 50 percent of high technology industry job growth in the early 1980's, and 177,000 military and civilian jobs on 15 military installations around the state. The Legislature further finds that the success the state, its communities, and its businesses will have in responding to these dramatic changes will depend on the ability of this state to act in a coordinated, well-planned, and prompt manner in response to defense down-sizing impacts and issues.

Section 3. Section 288.972, Florida Statutes, is created to read:

288.972 Legislative intent.—It is the policy of this state, once the Federal Government has determined that military bases, lands, or installations are to be closed and made available for reuse to:

(1) Cooperate fully with the Federal Government and community base reuse commissions to ensure prompt effective plans for converting available base lands and facilities to uses which further the affected communities' welfare.

(2) Conduct, in cooperation with federal and local government agencies, prompt and comprehensive assessments of the economic development, environmental, wildlife conservation, and growth management implications of base closure and reuse for use in making recommendations on land disposition.

(3) Honor, consistent with the state's responsibility to protect the health, safety, and welfare of its citizens, the affected communities' plans in regard to base reuse.

(4) Offer to affected communities, to the maximum extent feasible, guidance and technical assistance in formulating plans for the beneficial economic development, environmental resource management, and other use of available base lands.

(5) Provide, to the maximum extent feasible, special assistance and outreach, in the form of counseling, training, and placement services, to workers in this state displaced by defense industry reductions, base closure, and realignments.

(6) Expedite, consistent with the state's responsibility to protect the environment, manage growth, and fulfill its proprietary responsibilities, all state permitting, planning, and state lands ownership processes related to the closure and reuse of military base lands and facilities.

(7) Actively encourage the Federal Government to provide adequate funding and expeditious action for military base closing and reuse and to provide, consistent with national security laws and authorities, good access to affected military installations and their personnel for the purpose of fulfilling state agency responsibilities.

Section 4. Section 288.973, Florida Statutes, is created to read:

288.973 Florida Defense Conversion and Transition Commission.—

(1)(a) The Florida Defense Conversion and Transition Commission is created and assigned to the Department of Commerce for administrative and primary staff support. The commission shall advise the Governor and the Legislature in the development and implementation of military base reuse and transition policy.

(b) The commission shall consist of:

1. A member of the Senate, appointed by the President of the Senate.
2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.
3. Two members of the Florida Congressional Delegation, one from the House of Representatives and one from the Senate.

4. The Secretary of Commerce, the Secretary of Labor and Employment Security, the Adjutant General, the executive director of the Department of Veterans Affairs, the Commissioner of Education, the Chancellor of the Board of Regents, the executive director of the State Board of Community Colleges, the Secretary of Community Affairs, the Secretary of Environmental Protection, the director of the State Job Training Coordinating Council, and the director of the Florida Office of State-Federal Relations, or their designees.

5. The vice chair of Enterprise Florida, Inc., or his designee from the Enterprise Florida Board.

6. The chairs, or their designees, of officially recognized community base closure committees.

7. One member appointed from a labor organization which represents workers in the defense industry.

8. One representative from the military services, appointed by the Governor from candidates recommended by the United States Department of Defense.

9. Up to 10 private sector members, appointed by the Governor, at least one of whom must be chosen from each of the following categories: prime defense contractors, defense subcontractors, defense suppliers, and other businesses directly affected by base closures or other defense reductions.

10. At the discretion of the Governor, up to six members who are representatives of communities not represented by officially recognized community base closure committees which have been substantially affected by defense reductions.

(c) Unless otherwise provided, all members shall be appointed by the Governor. In making appointments to the commission, the Governor should consider the geographic, racial, and gender balance of the appointed members of the commission.

(d) There shall be a chair appointed by the Governor and a vice chair selected by the commission from among the membership.

(e) The commission shall meet at the call of the chair, or any two members, but in no case shall it meet less than twice a year.

(f) A vacancy on the commission shall be filled for the remainder of the expired term.

(g) Appointive members may be removed by the Governor for cause, which includes failure to attend meetings.

(h) In addition to the Department of Commerce, Enterprise Florida, Inc., and the Department of Labor and Employment Security shall provide staff support to the commission.

(2) The commission members shall serve without compensation. Travel and per diem may be provided for members of the commission and invited experts or appointees. Any funds shall be provided pursuant to s. 112.061.

(3) The commission shall be organized to include an executive committee consisting of the commission chair and vice chair and three other commission members, as designated by the chair.

(4) This section is repealed January 1, 2003.

Section 5. Section 288.974, Florida Statutes, is created to read:

288.974 Powers and duties of the commission.—The commission shall carry out the specific duties described in subsections (2)-(4), and have such general powers as set forth in subsection (1).

(1) The commission shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including, but not limited to:

(a) Adopting bylaws for the governance of its affairs and the conduct of its business.

(b) Making and executing contracts and other instruments necessary or convenient for the exercise of its powers and functions.

(c) Soliciting, requesting, and receiving money, property, labor, or other items of value from any public or private sector source to be used and applied consistent with the purposes of this act.

(d) Hiring staff subject to the provisions of part V of chapter 110.

(e) Advising the Governor, the Legislature, state and regional agencies, and local governments on issues and programs relevant to the impacts of defense spending reductions on businesses and communities of the state.

(2) The commission shall also carry out the following specific duties as necessary:

(a) Foster coordination among state government agencies and departments, local governments, and statewide service providers in order to direct resources to appropriate defense-related activities, avoid duplication and waste, and vigorously pursue relevant federal grants.

(b) Oversee statewide defense-related initiatives and, where appropriate, receive federal defense conversion and transition funding.

(c) Identify an entity to serve as a central point of contact, disseminating conversion and transition information, services, and research to the commission and to affected communities, companies, and workers.

(d) Coordinate with and provide information and technical advice to Enterprise Florida, Inc., and its affiliates on matters related to the defense industry and defense conversion, reinvestment, and transition.

(e) Facilitate the provision of community outreach and technical assistance, including the sponsorship of seminars and workshops.

(f) Identify issues or problems affecting the ability of this state to plan for and respond effectively to defense reductions.

(g) Lead a statewide coordinated response to any additional federal base closing deliberations, hearings, or proceedings, by providing early notification and guidance to local areas at risk of a base closure, generating public awareness of the economic impacts of potential base closure, serving as a central clearinghouse and disseminating information and technical assistance on conducting base retention efforts and planning for closure alternatives, encouraging cooperation and support between at-risk communities of this state, and supporting local initiatives.

(h) Evaluate possible mechanisms for expanding the transfer of technology.

(i) Explore the creation of information networks to assist companies transitioning into commercial markets.

(j) Develop a timetable to facilitate the acquisition or utilization of property on closed or realigned military bases pursuant to s. 288.977. The commission shall evaluate and explore initiatives, consistent with s. 203, Pub.L. No. 101-510, to expedite the process by which state agencies and departments acquire or otherwise utilize property on closed or realigned military bases.

(3)(a) By December 1, 1994, the commission shall develop a state plan of action for responding to the consequences of and opportunities presented by the defense drawdown. Such action plan shall address specific actions this state should take to maintain its share of defense industry expenditures, military bases, and defense-related employment; to improve its technological and economic competitiveness; to assist its defense-related companies in diversifying into other nondefense product or service lines; to enhance its ability to persuade defense companies to remain or consolidate operations in the state; and, to better assist communities in planning for and obtaining other employment.

(b) By December 1, 1994, the commission shall present the Governor, the President of the Senate, and the Speaker of the House of Representatives with policy recommendations, as necessary, pertaining to the following:

1. Implementation of the state plan of action for responding to the consequences of the defense drawdown.

2. Base reuse options, including, but not limited to, conversion to educational, correctional, recreational, conservation, or housing uses.

3. Potential funding sources to carry out defense conversion, transition, and re-investment activities at the state and local levels.

4. Identification of incentives to assist defense-related companies, including the need for countermeasures to address the economic impacts of the defense drawdown on the state and local communities.

5. Assistance for dislocated workers, impacted businesses, and affected communities.

6. Assistance for dislocated workers with physical and mental handicaps.

(4) The commission shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year which includes:

(a) A summary of the commission's services and most significant accomplishments for the year.

(b) An assessment of the effect of policies adopted to implement the state plan of action and overall base reuse and defense conversion goals, as well as an assessment of the need for additional policy initiatives or modifications.

(c) A financial report detailing the commission's sources of income, expenditures, and financial commitments.

(5) This section is repealed January 1, 2003.

Section 6. Section 288.975, Florida Statutes, is created to read:

288.975 Military base reuse plans.—

(1) This section contains optional provisions for military base reuse planning in recognition of the importance of ensuring prompt and effective planning for the conversion of military bases designated for closure by the Federal Government to maximize the welfare of impacted local governments and their constituents. While the reuse of these military bases shall provide substantial economic benefits to their host local governments, reuse activities may also have an adverse impact on the public facilities and services of local governments and impact resources and facilities of regional and statewide significance. The intent of this section is to address this unique relationship by providing for an optional military base reuse planning process that supersedes the provisions of chapter 380 pertaining to developments of regional impact and the requirements of part II of chapter 163, except as provided in this section.

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

(a) "Affected local government" means a local government adjoining the host local government and any other unit of local government that is not a host local government but that is identified in a proposed military base reuse plan as providing, operating, or maintaining one or more public facilities as defined in s. 163.3164(24) on lands within or serving a military base designated for closure by the Federal Government.

(b) "Affected person" means a host local government; an affected local government; any state, regional, or federal agency; or a person who resides, owns property, or owns or operates a business within the boundaries of a host local government or affected local government.

(c) "Base reuse activities" means development as defined in s. 380.04 on a military base designated for closure or closed by the Federal Government.

(d) "Host local government" means a local government within the jurisdiction of which all or part of a military base designated for closure by the Federal Government is located. This shall not include a county if no part of a military base is located in its unincorporated area.

(e) "Military base" means a military base designated for closure or closed by the Federal Government.

(f) "Regional policy plan" means a comprehensive regional policy plan that has been adopted by rule by a regional planning council until the council's rule adopting its strategic regional policy plan in accordance with the requirements of chapter 93-206, Laws of Florida, becomes effective, at which time "regional policy plan" shall mean a strategic regional policy plan that has been adopted by rule by a regional planning council pursuant to s. 186.508.

(g) "State comprehensive plan" means the plan as provided in chapter 187.

(3) No later than 6 months after the effective date of this act, or 6 months after the designation of a military base for closure by the Federal Government, whichever is later, each host local government shall notify the secretaries of the Department of Community Affairs and the Department of Commerce in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(4)(a) Military base reuse plans shall contain the following elements: future land use; intergovernmental coordination; transportation, which shall include roads, public transportation, and ports, aviation, and related facilities; capital improvements; coastal management, where applicable; recreation and open space; housing; conservation; and general infrastructure, which shall include potable water, sanitary sewer, solid waste, aquifer recharge, and stormwater management. Each element of the plan shall contain standards to assure compatibility with and minimize impacts on the surrounding community. Each element shall comply with the nonprocedural requirements for such related elements contained in part II of chapter 163 and rules adopted thereunder. The plan shall address each noncontiguous portion of a base specifically.

(b) Military base reuse plans shall identify the need for and plans for provision of the following facilities and services for at least the next 5 years: roads, parking, public transportation, solid waste, drainage, sanitary sewer, potable water, and recreation and open space.

(c) Military base reuse plans shall identify projected impacts to significant regional resources and natural resources of regional significance as identified by applicable regional planning councils in their regional policy plans and the actions that shall be taken to mitigate such impacts.

(d) Data and analyses on which the plans are based shall include, at a minimum, the characteristics of vacant lands, projected use of vacant lands and redevelopment of developed lands, projected population growth, existing and projected public facilities, and projected impacts of base reuse activities on natural resources and those onsite and offsite public facilities and services listed in paragraph (b).

(e) Military base reuse plans may contain additional elements and provisions at the option of the host local government.

(5) At the discretion of the host local government, the provisions of this act may be complied with through the adoption of the military base reuse plan as a separate component of the local government comprehensive plan or through simultaneous amendments to all pertinent portions of the local government comprehensive plan. Once adopted and approved in accordance with this section, the military base reuse plan shall be considered to be part of the host local government's comprehensive plan and shall be thereafter implemented, amended, and reviewed in accordance with the provisions of part II of chapter 163. Local government comprehensive plan amendments necessary to initially adopt the military base reuse plan shall be exempt from the limitation on the frequency of plan amendments contained in s. 163.3187(2).

(6) In the preparation and review of the military base reuse plans, local governments and regional and state agencies shall make every effort to avoid duplicative reviews and to use information and analyses generated by the federal environmental impact statement process and the federal community base reuse plan process.

(7) A military base reuse plan shall be consistent with the comprehensive plan of the host local government and shall not conflict with the comprehensive plan of any affected local governments. A military base reuse plan shall be consistent with the nonprocedural requirements of part II of chapter 163 and rules adopted thereunder, applicable regional policy plans, and the state comprehensive plan.

(8) At the request of a host local government, the Department of Commerce shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments, the Department of Environmental Protection, the Department of Commerce, the Department of Community Affairs, the Department of Transportation, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, the Department of State, the Game and Fresh Water Fish Commission, and any applicable water management districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it shall, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments, the Department of Environmental Protection, the Department of Commerce, the Department of Community Affairs, the Department

of Transportation, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, the Department of State, the Florida Game and Fresh Water Fish Commission, and any applicable water management districts and regional planning councils, or

(b) Petition the Secretary of the Department of Community Affairs for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The Secretary of the Department of Community Affairs may grant up to a one year extension to the required submission date of the reuse plan.

(10) Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than 60 days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184(15) to ensure full public participation in this planning process.

(11) Copies of the adopted military base reuse plan shall be forwarded within 10 days after its adoption to any affected local governments and regional and state agencies that submitted comments on the proposed military base reuse plan. In addition, notice shall be published in newspapers of general circulation in the host and any affected local governments. The notice shall state how and where a copy of the plan may be obtained or inspected. Within 45 days after receipt of the adopted military base reuse plan, or 45 days after the publication of the notice of the availability of the adopted plan for review, whichever is later, an affected person who submitted comments on the proposed plan may petition the host local government, challenging that the military base reuse plan is not being in compliance with this act or any rule adopted pursuant to this act. The petition shall state each objection, identify its source, and provide a recommended action.

(12) Following receipt of a petition, the petitioning party or parties and the host local government shall seek resolution of the issues in dispute. The issues in dispute shall be resolved as follows:

(a) The petitioning parties and host local government shall have 45 days to resolve the issues in dispute. Other affected parties that submitted comments on the proposed military base reuse plan may be given the opportunity to formally participate in decisions and agreements made in these and subsequent proceedings by mutual consent of the petitioning party and the host local government. A third-party mediator may be used to help resolve the issues in dispute.

(b) If resolution of the dispute cannot be achieved within 45 days, the petitioning parties and host local government may extend such dispute resolution for up to 45 days. If resolution of the dispute cannot be achieved with the above time frames, the issues in dispute shall be submitted to the state land planning agency. If the issues stem from multiple petitions, the mediation shall be consolidated into a single proceeding. The state land planning agency shall have 45 days to hold informal hearings, if necessary, identify the issues in dispute, prepare a record of the

proceedings, and provide recommended solutions to the parties. If the parties fail to implement the recommended solutions within 45 days, the state land planning agency shall submit the matter to the Administration Commission for final action. The report to the Administration Commission shall list each issue in dispute, describe the nature and basis for each dispute, identify the recommended solutions provided to the parties, and make recommendations for actions the Administration Commission should take to resolve the disputed issues.

(c) In the event the state land planning agency is a party to the dispute, the dispute shall be resolved by a party jointly selected by the state land planning agency and the host local government. The selected party shall comply with the responsibilities placed upon the state land planning agency in this section.

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(2), and a public hearing on such amendment or amendments pursuant to s. 163.3184(15)(b)1. shall not be required. The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan shall be tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

(13) Following adoption of a military base reuse plan and resolution of any petitions filed pertaining to the plan, base reuse activities shall be exempt from all provisions of chapter 380 pertaining to developments of regional impact.

(14) No later than 150 days following adoption of a military base reuse plan and resolution of any petitions filed pertaining to the plan, the host local government shall adopt new land development regulations or amend existing land development regulations as necessary to fully implement the military base reuse plan. With the exception of the 150-day adoption period, the adoption, review and enforcement of land development regulations pursuant to this section shall be governed by the provisions of ss. 163.3201, 163.3202, 163.3213, and 163.3215.

Section 7. Section 288.976, Florida Statutes, is created to read:

288.976 Military base closure and reuse:—State agencies and departments shall, consistent with their statutory authorities and responsibility:

(1) Consult with the appropriate federal agencies, local governments, and federally recognized community base reuse commissions as early as possible to coordinate information gathering, issue identification, impact assessment, potential land use options, citizen participation, review timelines, and all other aspects of base closure and reuse approvals. Such agencies shall invite federal and local government representatives to attend any agency preapplication conferences related to military base closure or reuse.

(2) Make every effort to avoid duplicate reviews of impacts and, when possible and appropriate, use information analyses, and recommendations generated by the federal environmental impact statement process and the community base reuse plan process in state planning and permitting reviews.

(3) Be authorized to enter into memorandums of agreement with federal agencies in order to facilitate the coordination of reviews.

(4) Designate a person to serve as the agency coordinator for military base closure and reuse matters and notify the Governor in writing of the designation. The Governor shall notify the Office of the Secretary of Defense, the appropriate community base reuse commission chair, and the commanding officer of the affected installation of the appointment.

Section 8. Section 288.977, Florida Statutes, is created to read:

288.977 Military base disposition.—State agencies or departments having an interest in acquiring or otherwise utilizing property on closed or realigned military bases may apply to acquire or use such property either by utilizing the standard state and local government screening process established in s. 203, Pub. L. No. 101-510 or by applying to a federal agency to use the property as a public benefit conveyance. The agency or department seeking to acquire or use property declared as surplus to the Federal Government by the United States Department of Defense shall provide to the Governor and the appropriate local government or federally recognized community base reuse commission, at the time of application to the Federal Government, a detailed description of the location and of the property as well as the agency's proposed or anticipated use of the property.

Section 9. Section 288.980, Florida Statutes, is created to read:

288.980 Base closure or realignment; legislative intent; grants program.—

(1) It is the intent of this state to provide the necessary means to assist communities with military installations that would be adversely affected by federal base realignment or closure actions. It is further the intent to encourage communities to establish local or regional community base realignment or closure commissions to initiate a coordinated program of response and plan of action in advance of future actions of the federal Base Realignment and Closure Commission. It is critical that closure-vulnerable communities develop such a program to preserve affected military installations. The Legislature, therefore, declares that providing such assistance to these communities is a public purpose for which public money may be used.

(2)(a) The secretary of the Department of Commerce is authorized to award grants from funds specifically appropriated for this purpose to applicants' eligible projects. Eligible projects shall be limited to:

1. Activities related to the retention of military installations potentially affected by federal base closure or realignment.

2. Activities related to preventing the potential realignment or closure of a military installation officially identified by the Federal Government for potential realignment or closure.

(b) "Activities" as used herein means studies, presentations, analyses, plans, and modeling. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(3)(a) The amount of any grant provided to an applicant in any 1 year shall not exceed \$250,000. The department shall require that an applicant:

1. Represent a community with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to provide a match of at least 100 percent of any grant awarded by the department directly related to the activities for which the grant is being sought.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(b) In making grant awards for eligible projects, the department shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

(c) For purposes of this section, "applicant" means one or more counties, or a base closure or realignment commission created by one or more counties, to oversee the potential or actual realignment or closure of a military installation within the jurisdiction of such local government.

(4) The Department of Commerce shall, pursuant to chapter 120, Florida Statutes, adopt rules to implement and carry out the purpose and intent of this section.

Section 10. Subsections (2) and (3) of section 403.953, Florida Statutes, are amended, and paragraph (c) of subsection (5) of said section is redesignated as paragraph (d) of said subsection and a new paragraph (c) is added to said subsection, to read:

403.953 Eligibility criteria.—The eligibility criteria for projects shall be:

(2) As determined by the Department of Commerce, membership in at least one of the following industries: aerospace manufacturing, defense, business and financial services, environmental engineering services and related manufacturing, recycling, health technology manufacturing and services, computer and office equipment manufacturing, communications equipment manufacturing, electronic components manufacturing, computer programming and related services, instruments and controls manufacturing, lasers and electro-optics, motor vehicle parts and accessories; or representing the following facility types: corporate headquarters, regional headquarters, research and development facilities, or incubators; or any additional specified industries or facility types adopted by rule by the Department of Commerce in consultation with Enterprise Florida, Inc.; or any project proposed for location on a closed military installation or which is necessary to implement community military base reuse plans officially recognized by the Secretary of Defense of the United States Department of Defense.

(3) The payment of an estimated annual average wage equaling at least 115 percent of the average wage in the county wherein the project is to be located, except that for projects to be located in areas officially designated by the State of Florida as enterprise zones or on a closed military installation, the wage criterion shall be payment of an estimated annual average wage equaling at least 80 percent of the county average annual wage.

(5)

(c) For projects proposed for location on closed military installations or which are necessary to implement community military base reuse plans officially recognized by the Secretary of Defense of the United States Department of Defense, the creation of at least 100 jobs.

A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction is not an eligible project under this part.

Section 11. This act shall take effect upon becoming a law.

Approved by the Governor May 31, 1994.

Filed in Office Secretary of State May 31, 1994.

CHAPTER 94-324

House Bill No. 2799

An act relating to rehabilitation of persons having disabilities; amending s. 316.193, F.S., relating to driving under the influence; conforming a reference to the Impaired Drivers and Speeders Trust Fund as renamed in this act; amending s. 318.21, F.S., relating to disposition of civil penalties by county courts; conforming a reference to that trust fund; amending s. 395.404, F.S., relating to trauma registry; deleting a cross-reference to a section repealed by this act; amending s. 413.20, F.S.; revising and adding definitions; providing applicability to the part; amending s. 413.205, F.S.; revising provisions relating to collateral payments; creating s. 413.215, F.S.; providing for status in workers' compensation proceedings; amending s. 413.22, F.S.; providing for Division of Vocational Rehabilitation rules; amending s. 413.23, F.S.; revising terminology; providing authorization to prepare a state plan; amending s. 413.24, F.S.; revising provisions relating to cooperation with the Federal Government; amending ss. 413.26 and 413.27, F.S.; revising provisions relating to cooperative agreements; creating s. 413.273, F.S.; providing benefits and requirements for members of certain councils; amending s. 413.275, F.S.; revising and renaming the Florida Council for the Hearing Impaired; amending s. 413.28, F.S.; revising provisions relating to federal funds; amending s. 413.29, F.S., relating to gifts; amending s. 413.30, F.S.; revising eligibility for vocational rehabilitation services; amending s. 413.31, F.S.; revising terminology; amending s. 413.32, F.S.; providing for rules relating to title to and disposal of equipment; amending s. 413.341, F.S.; revising provisions relating to

confidential records; amending s. 413.36, F.S.; revising terminology; amending s. 413.371, F.S.; authorizing contracts for independent living program services; creating s. 413.393, F.S.; providing for a state plan for independent living; amending s. 413.395, F.S.; revising provisions relating to the Florida Independent Living Advisory Council and renaming the council; providing duties; amending s. 413.40, F.S.; revising provisions relating to division powers for independent living services; amending s. 413.401, F.S.; revising eligibility for independent living services; amending s. 413.405, F.S.; revising provisions relating to the rehabilitation advisory council; creating s. 413.407, F.S.; creating the Assistive Technology Advisory Council; prescribing its duties; amending ss. 413.41 and 413.42, F.S., relating to cooperation with state and federal agencies; amending s. 413.43, F.S., relating to utilization of funds; amending s. 413.46, F.S.; revising legislative intent relating to referral of certain persons; creating s. 413.465, F.S.; providing a short title; amending s. 413.48, F.S.; revising provisions relating to a central registry; amending s. 413.49, F.S.; providing Division of Vocational Rehabilitation duties relating to a treatment program for persons with brain or spinal cord injuries; creating s. 413.507, F.S.; providing eligibility; amending s. 413.604, F.S., relating to nursing home residents; amending s. 413.605, F.S.; revising provisions relating to the advisory council on spinal cord injuries; expanding the scope of its duties to include brain injuries; amending s. 413.613, F.S.; renaming a trust fund and conforming provisions; requiring matching funds; amending ss. 413.615, 413.70, 413.72, 413.73, and 413.74, F.S.; conforming provisions to this act; amending s. 413.731, F.S.; providing that the division is the payor of last resort; amending ss. 427.706 and 427.708, F.S.; revising a reference to the Florida Council for the Hearing Impaired; repealing ss. 413.25, 413.35, 413.381, 413.47, 413.601, 413.602, 413.603, 413.611, 413.612, 413.614, and 413.71, F.S., relating to a repealed federal act, limitation on political activity, definitions, legislative intent, establishment of a plan for certain treatment, reports of head-injured persons, and transitional living facilities; providing an effective date.

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

Section 1. Subsection (6) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction thereof, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. In lieu of such participation, the court may order that any defendant pay an additional fine of \$10 for each hour of public service or community work otherwise required, if, after consideration of the residence or location of the defendant at the time such public service or community work is required, payment of the fine is in the best interests of the state. However, in no event may the total period of probation and incarceration exceed 1 year.

(b) For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days.

(c) For the third conviction within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days.

(d) In addition to the penalty imposed under paragraph (a), paragraph (b), or paragraph (c), the court shall also order the impoundment or immobilization of the vehicle that was driven by, or in the actual physical control of, the person who is convicted, unless the court finds that the family of the owner of the vehicle has no other public or private means of transportation. The period of impoundment or immobilization is 10 days, or, for the second conviction within 3 years, 30 days, or, for the third conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vehicle is leased, the period of impoundment or immobilization may not extend beyond the expiration of the lease agreement. Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court shall send notice by certified mail, return receipt requested, to the registered owner of the vehicle if the registered owner is a person other than the person convicted under subsection (1) and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle. The person who owns a vehicle that is impounded or immobilized under this paragraph, or a person having a lien of record against such a vehicle, may, within 10 days after the date that person has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

(e) A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which he has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program must be credited by the court toward the term of imprisonment.

For the purposes of this section, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for 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, is also considered a previous conviction for violation of this section. Notwithstanding any other provision of this section, \$100 shall be added to any fine imposed pursuant to this section, of which one-quarter shall be deposited in

the Emergency Medical Services Trust Fund, one-half shall be deposited in the Administrative Trust Fund of the Department of Law Enforcement to be used for operational expenses of the Division of Local Law Enforcement Assistance in conducting the statewide criminal analysis laboratory system established in s. 943.32, and one-quarter shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Impaired Drivers and Speeders Trust Fund created in s. 413.613. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court shall not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

Section 2. Paragraph (d) of subsection (2) of section 318.21, Florida Statutes, 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:

(d) Eight and two-tenths percent shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Impaired Drivers and Speeders Trust Fund for the purposes set forth in s. 413.613.

Section 3. Subsection (2) of section 395.404, Florida Statutes, is amended to read:

395.404 Review of trauma registry data; proceedings, records, and reports specified confidential.—

(2) Notwithstanding the provisions of ~~s. ss. 413.48 and 413.612~~, each trauma center and acute care hospital shall submit severe disability and head-injury registry data to the department as provided by rule in lieu of submitting such registry information to the Department of Labor and Employment Security. Each trauma center and acute care hospital shall continue to provide initial notification of persons who have severe disabilities and head injuries to the Department of Labor and Employment Security within timeframes provided in chapter 413. Such initial notification shall be made in the manner prescribed by the Department of Labor and Employment Security for the purpose of providing timely vocational rehabilitation services to the severely disabled or head-injured person.

Section 4. Section 413.20, Florida Statutes, is amended to read:

413.20 Definitions.—~~Except as may be otherwise provided herein,~~ As used in this part, the term:

(1)(13) “Act” or “Federal Act” means the Rehabilitation Act of 1973, as amended Federal Vocational Rehabilitation Act as amended (29 U.S.C. ch. 4).

(2) “Activity of daily living” means an activity required on a frequent basis that permits an individual to secure or maintain independence. Such activities include,

but are not limited to, personal home care, transportation, personal assistance services, housekeeping, shopping, attending school, communication, and employment.

(3) "Assessment for determining eligibility and vocational rehabilitation needs" means a review of existing data to determine whether an individual is eligible for vocational rehabilitation services and to assign the priority, and, to the extent additional data is necessary to make such determination and assignment, a preliminary assessment of such data, including the provision of goods and services during such assessment. If additional data is necessary, the division must make a comprehensive assessment of the unique strengths, resources, priorities, interests, and needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services to be included in the individualized written rehabilitation program of the individual.

(4) "Center for independent living" means a consumer-controlled, community-based, cross-disability, nonresidential, private, nonprofit organization designed and operated within a local community by persons who have disabilities to provide an array of independent living services.

(5)(4) "Department" means the Department of Labor and Employment Security.

(6) "Disability" means a physical or mental impairment that constitutes or results in a substantial impediment to employment.

(7)(2) "Division" means the Division of Vocational Rehabilitation of the Department of Labor and Employment Security.

(8) "Emergency medical evacuation system" means a division-approved transportation system that provides timely skilled emergency care and movement of persons believed to have suffered brain or spinal cord injuries.

(9) "Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market or satisfying any other vocational outcome the secretary may determine to be consistent with the act.

(10) "Extended services" means one or more ongoing support services and other appropriate services needed to support and maintain a person who has a severe disability in supported employment and to assist an eligible person in maintaining integrated and competitive employment. Extended services are based upon a determination of the needs of the eligible person as specified in the person's individualized written rehabilitation program and are provided by a state agency, a nonprofit private organization, an employer, or any other appropriate resource after the person has made the transition from support provided by the department.

(11) "Independent living core services" means informational and referral services; independent living skills training; peer counseling, including cross-disability peer counseling; and individual and systems advocacy.

(12) "Independent living services" means any appropriate rehabilitation service that will enhance the ability of a person who has a severe disability to live independently, to function within his family and community and, if appropriate, to secure and maintain employment. Services may include, but are not limited to, psy-

chological counseling and psychotherapeutic counseling; independent living care services; community education and related services; housing assistance; physical and mental restoration; personal attendant care; transportation; personal assistance services; interpretive services for persons who are deaf; recreational activities; services to family members of persons who have severe disabilities; vocational and other training services; telecommunications services; sensory and other technological aids and devices; appropriate preventive services to decrease the needs of persons assisted under the program; and other rehabilitation services appropriate for the independent living needs of a person who has a severe disability.

(13) "Limiting disability" means a physical condition that constitutes, contributes to, or, if not corrected, will result in an impairment of one or more activities of daily living but does not result in an individual qualifying as a person who has a disability.

(14)(9) "Occupational license licenses" means any license, permit, or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

(15) "Ongoing support services" means services provided at a twice-monthly minimum to persons who have severe disabilities, to:

(a) Make an assessment regarding the employment situation at the worksite of each individual in supported employment or, under special circumstances at the request of the individual, offsite.

(b) Based upon the assessment, provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain the individual's employment stability.

The ongoing support services may consist of, but are not limited to, the provision of skilled job trainers who accompany the individual for intensive job-skill training at the worksite, job development and placement, social skills training, follow-up services, and facilitation of natural supports at the worksite.

(16) "Person who has a disability" means an individual who has a physical or mental impairment that, for the individual, constitutes or results in a substantial impediment to employment and who can therefore benefit in terms of an employment outcome from vocational rehabilitation services. The term encompasses the term "person who has a severe disability."

(17) "Person who has a severe disability" means an individual who has a disability that is a severe physical or mental impairment that seriously limits one or more functional capacities, such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills, in terms of an employment outcome; whose vocational rehabilitation may be expected to require multiple vocational rehabilitation services over an extended period of time; and who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological disorder, including stroke and epilepsy, paraplegia, quadriplegia, or other spinal cord condition, sickle-cell anemia, specific learning disability, end-stage renal disease, or another disability or a com-

ination of disabilities that is determined, after an assessment for determining eligibility and vocational rehabilitation needs, to cause comparable substantial functional limitation.

(18) "Personal assistance services" means a range of services, provided by one or more persons, designed to assist a person who has a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(19)(7) "Physical and mental restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive and constitutes an impediment to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment reduce a disabled individual's employment handicap within a reasonable length of time, including, but not limited to, medical, psychiatric, dental, and surgical treatment, nursing services service, hospital care in connection with surgery or treatment, convalescent home care, drugs, medical and surgical supplies, and prosthetic and orthotic devices appliances.

(20) "Rehabilitation" means those events and processes occurring after injury and progressing to ultimate stabilization and maximum possible recovery.

(21) "Rehabilitation center" means a division-approved facility providing intermediate care that stresses rehabilitation for persons who have brain or spinal cord injuries.

(22) "Rehabilitation service" means any service, provided directly or indirectly through public or private agencies, found by the division to be necessary to enable a person who has a limiting disability to engage in competitive employment.

(23)(11) "Rules Regulations" means rules regulations made by the department and promulgated in the manner prescribed by law.

(24) "Secretary" means the secretary of the Department of Labor and Employment Security.

(25)(12) "State plan" means the state plan approved by the Federal Government as qualifying to qualify for federal funds under the Rehabilitation Act of 1973, as amended Vocational Rehabilitation Act. However, the term "state plan," as used in ss. 413.39-413.401, means the State Plan for Independent Living Rehabilitative Services under Title VII(A) of the Rehabilitation Act of 1973, as amended.

(26) "Supported employment" means competitive work in integrated working settings for persons who have severe disabilities and for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or is intermittent as a result of a severe disability. Persons who have severe disabilities requiring supported employment need intensive supported employment services or extended services in order to perform such work.

(27) "Supported employment services" means ongoing support services and other appropriate services needed to support and maintain a person who has a severe disability in supported employment. Supported employment services are

based upon a determination of the needs of the eligible individual as specified in the person's individualized written rehabilitation program. The services are provided singly or in combination and are organized and made available in such a way as to assist eligible individuals in entering or maintaining integrated, competitive employment. The services are provided for a period of time not to extend beyond 18 months, but can be extended under special circumstances with the consent of the individual to achieve the objectives of the rehabilitation plan.

(28) "Third-party coverage" means any claim for, right to receive payment for or any coverage for, the payment of any vocational rehabilitation and related services.

(29) "Third-party payment" means any and all payments received or due as a result of any third-party coverage.

(30) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promote movement from school to postschool activities, including postsecondary education; vocational training; integrated employment; including supported employment; continuing and adult education; adult services; independent living; or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(31) "Transitional living facility" means a state-approved facility as defined and licensed pursuant to chapter 400 and division-approved in accord with this part.

(32) "Trauma center" means a state-approved acute care facility that provides diagnosis and treatment of persons who have brain or spinal cord injuries.

(33) "Traumatic injury" means:

(a) A lesion to the spinal cord or cauda equina with evidence of significant involvement of two of the following deficits or dysfunctions:

1. Motor deficit.
2. Sensory deficit.
3. Bowel and bladder dysfunction; or

(b) An insult to the skull, brain, or its covering, resulting from external trauma which produces an altered state of consciousness or anatomic motor, sensory, cognitive, or behavioral deficits.

(34)(6) "Vocational rehabilitation" and "vocational rehabilitation services" mean any service, provided directly or through public or private instrumentalities, found by the department to be necessary to compensate a disabled individual or group of individuals for an employment handicap and to enable an such individual or group of individuals to achieve an employment outcome engage in an occupation, including, but not limited to, medical and vocational diagnosis, an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel; counseling, guidance, and work-related placement services; vocational and other training services; physical and mental restoration services; maintenance for

~~additional costs incurred while participating in rehabilitation; interpreter services for individuals who are deaf; recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate service employment; occupational licenses; tools, equipment, and initial stocks and supplies; transportation; telecommunications, sensory, and other technological aids and devices; rehabilitation technology services; referral services designed to secure needed services from other agencies; transition services; on-the-job or other related personal assistance services; and supported employment services vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, placement equipment and materials, maintenance, and training books and materials.~~

(35) "Vocational rehabilitation and related services" means any services that are provided or paid for by the division.

~~(3) "Employment handicap" means a physical or mental condition which constitutes, contributes to, or if not corrected will probably result in an impairment of occupational performance.~~

~~(4) "Disabled individual" or "disabled citizen" means any person who has a substantial employment handicap.~~

~~(6) "Rehabilitation training" means all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, preconditioning, prevocational, vocational and supplementary training and training provided for the purpose of developing occupational skills and capacities.~~

~~(8) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.~~

~~(10) "Maintenance" means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation.~~

Section 5. Section 413.205, Florida Statutes, is amended to read:

413.205 Payments not treated as collateral payments.—Notwithstanding any other law to the contrary, payments made under programs covered by this part are neither not collateral payments nor collateral sources within the meaning of chapter 86-160, Laws of Florida, or chapter 88-1, Laws of Florida.

Section 6. Section 413.215, Florida Statutes, is created to read:

413.215 Division's status in workers' compensation proceedings.—Notwithstanding any other law to the contrary, the division retains all rights and remedies granted under s. 413.445 as against moneys paid under chapter 440.

Section 7. Section 413.22, Florida Statutes, is amended to read:

413.22 Division rules of Vocational Rehabilitation; regulations.—The division shall prepare rules regulations governing personnel standards; the protection of applicant and client records; the manner and form of filing applications; eligibility, and investigation and determination thereof, for vocational rehabilitation services; procedures for fair hearings; and such other regulations as it finds necessary to carry out the purposes of this part ss. 413.20-413.44.

Section 8. Section 413.23, Florida Statutes, is amended to read:

413.23 Administration.—The division shall provide vocational rehabilitation services to persons who have disabilities ~~disabled individuals~~ determined to be eligible therefor and, in carrying out the purposes of this part ss. 413.20-413.44, is authorized, among other things:

(1) To cooperate with other departments, agencies, and institutions, both public and private, in providing for the vocational rehabilitation of persons who have disabilities ~~disabled individuals~~, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of this part ss. 413.20-413.44, such programs, facilities, and services as may be necessary or desirable;

(2) To enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned;

(3) To conduct research and compile statistics relating to the vocational rehabilitation of persons who have disabilities ~~disabled individuals~~.

(4) To prepare a state plan for vocational rehabilitation, as required by the act. The state plan must contain all of the elements required by s. 101 of the act, including an assessment of the needs of persons who have disabilities and how those needs may be most effectively met. After completion of the state plan, the division must distribute copies of the state plan to the President of the Senate and the Speaker of the House of Representatives.

Section 9. Section 413.24, Florida Statutes, is amended to read:

413.24 Cooperation with Federal Government.—The division ~~shall cooperate, pursuant to agreements, with the Federal Government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and~~ is authorized to adopt such methods of administration not in conflict with the laws of this state Florida as are found by the Federal Government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes pertaining to vocational rehabilitation.

Section 10. Section 413.26, Florida Statutes, is amended to read:

413.26 Cooperative agreements with other governmental agencies relative to joint use of services and facilities.—

(1)(a) The division is authorized to enter into cooperative agreements with any state agency or institution, county, county agency or institution, municipality, or municipal agency or institution ~~having legal responsibility for the care of the disabled~~ for the purpose of enabling the division and the cooperating governing bodies, agencies, and institutions to ~~utilize jointly~~ use their services and facilities to enlarge and improve the opportunities for persons who have disabilities ~~disabled individuals~~ to achieve self-support or self-care.

(b)(2) For such an agreement ~~this section~~ to be valid, ~~it an agreement~~ must be entered into ~~mutually~~ by the governing bodies, agencies, or institutions involved and ~~must be~~ approved by the administrative officers or by the boards governing the counties, municipalities, agencies, or institutions. Such ~~The~~ agreements shall provide only for those services by each political subdivision, agency, or institution

which the political subdivision, agency, or institution is authorized by law to provide; provided that any political subdivision, agency, or institution shall be permitted to withdraw and terminate its part of an agreement at the end of any fiscal year by giving the other political subdivision, agency, or institution involved 30 days' notice.

~~(2)(3)~~ In order to effectuate the provisions of this section, the Executive Office of the Governor is authorized and empowered within its discretion, when it finds it to be in the public interest to do so, to permit two or more agencies, institutions, or county or city governments, pursuant to their mutual, unanimous request, to pool ~~portions of their funds~~ or to transfer ~~portions of their funds~~ to the account of the division in order to carry out plans for rehabilitation which are lawful and which give promise of better achieving the rehabilitation of persons who have disabilities ~~disabled persons~~ than would result through the separate efforts of the participants in the agreement. Funds pooled or transferred under this section ~~act~~ may be made available for expenditures for rehabilitation by the agency designated in the agreement to disburse such funds. Funds expended pursuant to agreements authorized under this section ~~act~~ may be utilized for the purpose of matching funds available under the terms of federal laws pertaining to the rehabilitation of handicapped persons who have disabilities.

~~(3)(4)~~ A copy of each agreement made pursuant to this section ~~act~~ shall be filed with the Department of State within a period of 30 days following the consummation of such agreement.

Section 11. Subsection (3) of section 413.27, Florida Statutes, is amended to read:

413.27 Cooperative agreements with Florida School for the Deaf and the Blind.

(3) In order to effectuate the provisions of this section, the Executive Office of the Governor shall, upon the conclusion of any such agreement, pool portions of the funds of said agencies as indicated in such agreement. Funds pooled or transferred under this section may be made available for expenditures for rehabilitation by the agency designated in the agreement to disburse such funds and may be used to compensate additional personnel employed under paragraph (2)(b). Funds expended pursuant to any agreement authorized under this section may be utilized to match for the purpose of matching funds available under the terms of federal laws pertaining to the rehabilitation of the deaf.

Section 12. Section 413.273, Florida Statutes, is created to read:

413.273 Per diem, travel expenses, personal care attendants, and interpreters for council members; conflicts of interest; removal.—

(1) Members of any council established under this part are entitled to per diem and travel expenses for required attendance at council meetings in accordance with the provisions of s. 112.061. Reasonable expenses for personal care attendants and interpreters needed by members during required attendance at council meetings shall be reimbursed. No member shall receive any compensation for performance of duties specified in, or arising out of, his duties as a council member under this part except as otherwise specified in this part.

(2) No member of any council established under this part shall cast a vote on any matter that would provide direct financial benefit to the member or create a conflict of interest under state law.

(3) Members of any council established under this part may be removed from office by the appointing authority for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading nolo contendere to, or being found guilty of, a crime. Malfeasance shall include, but is not limited to, violation of any specific prohibitions within this part.

Section 13. Subsections (1), (4), and (5) of section 413.275, Florida Statutes, are amended to read:

413.275 Florida Council for Persons Who Are Deaf or Hard of the Hearing Impaired.—

(1) There is ~~hereby~~ established within the division of ~~Vocational Rehabilitation of the Department of Labor and Employment Security~~ the Florida Council for Persons Who Are Deaf or Hard of the Hearing Impaired, hereinafter referred to as “the council.” The council shall be composed of 14 ±3 persons, as follows:

(a) The President of the Florida School for the Deaf and the Blind or the president's ~~his~~ designee.

(b) The Chief of the Bureau of Education for Exceptional Students in the Division of Public Schools of the Department of Education or the chief's ~~his~~ designee.

(c) The director of the Division of Vocational Rehabilitation or the director's ~~his~~ designee.

(d) The Secretary of Health and Rehabilitative Services or the secretary's ~~his~~ designee.

(e) The Secretary of Elderly Affairs or the secretary's designee.

(f)1.(e) Nine persons to be appointed by the Governor by August 15, 1983, seven of whom shall be hearing-impaired persons. Of these seven persons, three shall be representatives of statewide organizations serving hearing-impaired persons, at least one shall be “oral deaf,” meaning which means a person who has with a hearing loss, who depends primarily on visual input or speechreading skills for receiving information, and who uses speech to communicate with other persons, and at least one shall be a minority person.

2. Members may be replaced because of poor attendance, lack of participation in the work of the council, or malfeasance in office. Vacancies occurring in the membership of the council shall be filled by the Governor for the unexpired portions of the vacated terms. Members shall be appointed for 4-year staggered terms.

(4) The council shall meet at least once annually and may meet more frequently upon the call of the chairperson. ~~Council members shall be entitled to receive per diem and expenses for travel while carrying on the official business of the council, as provided in s. 112.061.~~

(5) The ~~Florida council for the Hearing Impaired~~ is authorized to employ at least two full-time staff persons and additional staff as necessary to carry out its responsibilities:

(a) An administrator who will collect, prepare, and analyze information and coordinate activities and programs for the hearing impaired and speech impaired.

(b) A secretary.

Section 14. Section 413.28, Florida Statutes, is amended to read:

413.28 Appropriations of federal funds.—In the event federal funds are available to the state for vocational rehabilitation purposes, the division is authorized to comply with such requirements as may be necessary to obtain said federal funds in the most advantageous proportions possible insofar as this may be done without violating other provisions of the state law and Constitution. ~~Any federal funds received as reimbursement of state expenditures for a prior year shall be added to the state appropriation for the fiscal year during which such funds are reimbursed and the same shall be made available for expenditure and so expended as to entitle the division to receive any federal matching funds which may be available for vocational rehabilitation pursuant to such expenditures.~~

Section 15. Section 413.29, Florida Statutes, is amended to read:

413.29 Gifts.—The division is hereby authorized and empowered to accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of ~~this part ss. 413.20-413.44~~. Gifts made under such conditions as in the judgment of the division are proper and consistent with the provisions of ~~this part ss. 413.20-413.44~~ and the laws of the United States and the laws of ~~this state Florida~~ may be so accepted and shall be held, invested, reinvested, and used in accordance with the condition of the gift.

Section 16. Section 413.30, Florida Statutes, is amended to read:

413.30 Eligibility for vocational rehabilitation services.—

(1) A person is eligible for vocational rehabilitation services if the person has a disability and requires vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.

(2) Determinations by other state or federal agencies regarding whether an individual satisfies one or more factors relating to the determination that an individual has a disability may be used. Individuals determined to have a disability pursuant to Title II or Title XVI of the Social Security Act shall be considered to have a physical or mental impairment that constitutes or results in a substantial impediment to employment and a severe physical or mental impairment that seriously limits one or more functional capacities in terms of an employment outcome.

(3) An individual shall be presumed to benefit in terms of an employment outcome from vocational rehabilitation services under this part unless the division can demonstrate by clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome. To demonstrate that an individual cannot benefit from vocational rehabilitation services due to the severity of the individual's disability, the division shall conduct an extended evaluation, not to exceed 18 months. The evaluation must determine the eligibility of the individual and the nature and scope of needed vocational rehabilitation services. The extended evaluation must be reviewed once every 90 days to determine whether the individual is eligible for vocational rehabilitation services.

(4) The division shall determine the eligibility of an individual for vocational rehabilitation services within a reasonable period of time, not to exceed 60 days after the individual has submitted an application to receive vocational rehabilitation services, unless the division notifies the individual that exceptional and un-

foreseen circumstances beyond the control of the division prevent the division from completing the determination within the prescribed time and the individual agrees that an extension of time is warranted or that an extended evaluation is required.

(5) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the division must complete an assessment for determining eligibility and vocational rehabilitation needs and ensure that an individualized written rehabilitation program is prepared.

(a) The individualized written rehabilitation program must be jointly developed, agreed upon, and signed by the vocational rehabilitation counselor or coordinator and the eligible individual or, in an appropriate case, a parent, family member, guardian, advocate, or authorized representative, of such individual.

(b) The division must ensure that each individualized written rehabilitation program is designed to achieve the employment objective of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual, and otherwise meets the content requirements for individualized written rehabilitation programs as set out in federal law or regulation.

(c) Each individualized written rehabilitation program shall be reviewed annually, at which time the individual, or the individual's parent, guardian, advocate, or authorized representative, shall be afforded an opportunity to review the program and jointly redevelop and agree to its terms. Each individualized written rehabilitation program shall be revised as needed.

(6) The division must ensure that a determination of ineligibility made with respect to an individual prior to the initiation of an individualized written rehabilitation program, based upon the review, and, to the extent necessary, upon the preliminary assessment, includes specification of the reasons for such a determination; the rights and remedies available to the individual, including, if appropriate, recourse to administrative remedies; and the availability of services provided by the client assistance program to the individual.

(7) In the event the division is unable to provide services to all eligible individuals, the division shall establish an order of selection and serve first those persons who have the most severe disabilities.

(1) Vocational rehabilitation services may be provided to any disabled individual:

(a) Whose vocational rehabilitation the division determines after full investigation can be satisfactorily achieved; or

(b) Who is eligible therefor under the terms of an agreement with another state or with the Federal Government.

(2) Eligibility when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) A physical or mental disability is present;

(b) A substantial handicap to employment exists; and

(c) Vocational rehabilitation services may reasonably be expected to render the individual fit to engage in a gainful occupation.

Section 17. Section 413.31, Florida Statutes, is amended to read:

413.31 Benefits not assignable.—The right of a person who has a disability disabled individual to any of the benefits under this part is ss. 413.20-413.44 shall not be transferable or assignable at law or in equity, and any benefits, including money, goods, or chattels received under this part, are hereunder shall be exempt from all state, county, and municipal taxes and from sale under the process of any court, except for obligations contracted for the purchase of such property.

Section 18. Section 413.32, Florida Statutes, is amended to read:

413.32 Retention of title to and disposal of equipment.—

(1) The division is authorized to retain title to any property, tools, instruments, training supplies, equipment, or other items of value acquired for use of handicapped persons who have disabilities or employed personnel employed in the operation of the vocational rehabilitation program, and to repossess and transfer same for the use of other handicapped persons who have disabilities or personnel employed in the operation of the vocational rehabilitation program employees.

(2) The division is authorized to offer for sale any surplus items acquired in the operation of the program when they are no longer necessary or to exchange them for necessary items which may be used to greater advantage. When any such surplus equipment is sold or exchanged a receipt for same shall be taken from the purchaser showing the consideration given for such equipment and forwarded to the treasurer, and any funds received by the division pursuant to any such transactions shall be deposited in the State Treasury in the appropriate federal or state rehabilitation funds and shall be available for expenditure for any purpose consistent with this part ss. 413.20-413.44.

(3) The division shall have the exclusive right to develop rules relating to records and recordkeeping for division-owned property referenced in subsections (1) and (2).

Section 19. Subsection (1) of section 413.341, Florida Statutes, is amended to read:

413.341 Applicant and client records; confidential and privileged.—

(1) All oral and written records, information, letters, and reports received, made, or maintained by the division relative to any client or applicant are privileged, confidential, and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Any person who discloses or releases such records, information, or communications in violation of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Such records may not be released except that:

(a) Records may be released to the client or applicant or his representative upon receipt of a written waiver from the client or applicant. Medical, psychological, or other information that the division believes may be harmful to a client or applicant may not be released directly to him, but must be provided through his designated representative, a physician, or a licensed mental health practitioner.

(b) Records that do not identify clients or applicants may be released for the purpose of research, when the research is approved by the division director.

(c) Records ~~that are~~ used in administering the program may be released as required to administer the program or as required by an agency or political subdivision of the state in the performance of its duties. Any agency or political subdivision to which records are released under this paragraph may not disclose the records to third parties.

(d) Records may be released upon the order of a hearing officer, judge of compensation claims, agency head exercising quasi-judicial authority, or a judge of a court of competent jurisdiction following a finding in an in camera proceeding that the records are relevant to the inquiry before the court and should be released. The in camera proceeding and all records relating thereto are confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(e) Whenever ~~an a client or~~ applicant or individual receiving services has declared any intention to harm other persons or property, such declaration may be disclosed.

(f) The division may also release personal information about ~~an a client or~~ applicant or individual receiving services in order to protect him or others when he poses a threat to his own safety or to the safety of others and shall, upon official request, release such information to law enforcement agencies investigating the commission of a crime.

Section 20. Section 413.36, Florida Statutes, is amended to read:

413.36 Duties of other agencies and officials regarding this part ss. 413.20-413.44.—It shall be the duty of all officials in charge of state or county agencies whose official duties enable them to know the need for vocational rehabilitation of persons who have disabilities ~~needs of disabled individuals for vocational rehabilitation~~ to report to the division the names of such persons ~~individuals~~ who come to their attention and who appear ~~to be eligible and feasible~~ for vocational rehabilitation services provided under this part ss. 413.20-413.44. Such officials shall cooperate with the division in carrying out the purpose of this part ss. 413.20-413.44 insofar as their duties and facilities permit, but the division may not delegate any of its duties and responsibilities under this part ss. 413.20-413.44 to any other agency or individual except with respect to persons ~~disabled individuals~~ for each of whom a vocational rehabilitation plan has been approved by the division or by a member of its staff to whom it has delegated authority to approve individual vocational rehabilitation plans. However, nothing in this part ss. 413.20-413.44 shall be so construed as to prevent other agencies from rendering services to persons who have disabilities, which services are ~~disabled individuals~~ not designed especially for the purpose of vocationally rehabilitating such persons ~~individuals~~ or services to which such persons ~~disabled individuals~~ might be entitled without regard to their disabilities.

Section 21. Section 413.371, Florida Statutes, is amended to read:

413.371 Independent living program; establishment and maintenance.—The division shall establish and maintain an independent living program ~~that which~~ will provide any appropriate rehabilitation services or other services to enhance the ability of persons who have ~~individuals with~~ severe disabilities to live independently and function within their communities and, if appropriate, to secure and maintain employment. The division, at its sole discretion and within the constraints of

its funding, may contract with centers for independent living to provide such services.

Section 22. Section 413.393, Florida Statutes, is created to read:

413.393 State plan for independent living.—

(1) The state plan for independent living shall be jointly developed and submitted by the Independent Living Council and the division, and the plan must:

(a) Include the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the state for the provision of state independent living services; the development and support of a statewide network of centers for independent living; and working relationships between programs providing independent living services and independent living centers and the vocational rehabilitation program established to provide services for persons who have disabilities.

(b) Specify the objectives to be achieved under the plan, establish time periods for the achievement of the objectives, and explain how such objectives are consistent with and further the purpose of this part.

(c) Specify that the state will provide independent living services under this part to persons who have severe disabilities and will provide the services in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

(d) Describe the extent and scope of independent living services to be provided under this part to meet such objectives. If the state makes arrangements, by grant or contract, for providing such services, such arrangements shall be described in the plan.

(e) Set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in federal law.

(f) Set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among the independent living rehabilitation service program, the Independent Living Council, centers for independent living, the division, other agencies represented on such council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the council.

(g) Describe how services funded under this part will be coordinated with, and complement, other services in order to avoid unnecessary duplication with other federal and state funding for centers for independent living and independent living services.

(h) Set forth steps to be taken regarding outreach to populations that are not served or that are underserved by programs under the act, including minority groups and urban and rural populations.

(i) Provide satisfactory assurances that all entities receiving financial assistance funds under this part will notify all individuals seeking or receiving services under this part about the availability of the client-assistance program, the pur-

poses of the services provided under such program, and how to contact such program; take affirmative action to employ and advance in employment qualified persons who have disabilities on the same terms and conditions required with respect to the employment of such persons; adopt such fiscal control and fund-accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the state under this part and meet all the other requirements of federal law or regulation.

(j) Establish a method for the periodic evaluation of the effectiveness of the state plan in meeting the objectives of the state plan, including evaluation of satisfaction by persons who have disabilities.

(2) The state plan for independent living shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address statewide, the needs in the state for independent living services.

Section 23. Section 413.395, Florida Statutes, is amended to read:

413.395 Florida Advisory Council on Independent Living Council.—

(1) There is created ~~the a~~ Florida Independent Living ~~Advisory~~ Council to assist the division of ~~Vocational Rehabilitation~~ and the Division of Blind Services of the Department of Education, as well as other state agencies and local planning and administrative entities assisted under Title VII of the ~~Rehabilitation~~ act of 1973, ~~as amended, 1986~~, in the expansion and development of statewide independent living policies, programs, and concepts and to recommend improvements for such programs and services. To ensure consistency with the provisions of the act, as amended, the Florida Independent Living Council shall function independently of the division and shall be assigned to the division for administrative purposes only. The council shall also develop a 5-year state plan for independent living services.

(2) The council shall consist of 14 members, ~~a majority being individuals with disabilities. The members of the council shall be appointed by the Governor after soliciting recommendations from the secretary. The remainder shall represent~~ principal state, local, and nongovernmental agencies and groups concerned with independent living services, directors of centers for independent living, and private businesses employing or interested in employing individuals with disabilities.

(3) The council shall include:

(a) At least one director of a center for independent living who is chosen by the directors of centers for independent living within the state.

(b) As ex officio, nonvoting members:

1. A representative from the division.

2. A representative from the Division of Blind Services.

3. Representatives from other state agencies that provide services to persons who have disabilities.

(4) The council may include:

(a) Other representatives from centers for independent living.

- (b) Parents and guardians of persons who have disabilities.
- (c) Advocates of and for persons who have disabilities.
- (d) Representatives from private businesses.
- (e) Representatives from organizations that provide services for persons who have disabilities.
- (f) Other appropriate individuals.
- (5) Total membership on the council, excluding ex officio, nonvoting members, shall not exceed 14 at any one time.
- (6) The council shall be composed of members:
 - (a) Who provide statewide representation.
 - (b) Who represent a broad range of persons who have disabilities.
 - (c) Who are knowledgeable about centers for independent living and independent living services.
 - (d) A majority of whom are:
 - 1. Persons who have disabilities.
 - 2. Not employed by any state agency or center for independent living.
- (7) The council shall select a chairperson from among the membership of the council.
- (8) Each member of the council shall serve for a term of 3 years, except that:
 - (a) A member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.
 - (b) The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.
 - (c) No member of the council may serve more than two consecutive full terms.
- (9) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.
- (10)(3) The chairperson chairman of the council shall also serve as a member of the Florida state Vocational Rehabilitation Advisory Council.
- ~~(4) Ten members of the council shall be appointed by the secretary of the Department of Labor and Employment Security based on recommendations from the director of the Division of Vocational Rehabilitation. Four members shall be appointed by the Commissioner of Education based on recommendations from the director of the Division of Blind Services of the Department of Education.~~
 - ~~(a) Initially, the secretary of the Department of Labor and Employment Security shall appoint four members for terms of 4 years, three members for terms of 3 years, two members for terms of 2 years, and one member for a term of 1 year.~~

~~(b) Initially, the Commissioner of Education shall appoint one member for a term of 4 years, one member for a term of 3 years, and two members for terms of 2 years.~~

~~(c) Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the term in the same manner as the original appointment.~~

~~(11)(5) The council may meet at the call of the chairperson its chairman, at the joint request of the division of Vocational Rehabilitation and the Division of Blind Services, or at such times as may be prescribed by rule, but not less than twice each calendar year. The council shall make a report of each meeting, which shall include a record of its discussions and recommendations. The division of Vocational Rehabilitation and the Division of Blind Services shall make such reports available to the public.~~

(12) The council shall:

(a) Jointly develop and submit, in conjunction with the division, the state plan for independent living.

(b) Monitor, review, and evaluate the implementation of the state plan for independent living.

(c) Coordinate activities with the Florida Rehabilitation Advisory Council and other councils that address the needs of specific disability populations and issues under other federal law.

(d) Ensure that all regularly scheduled meetings of the council are open to the public with sufficient advance notice.

(e) Submit to the commissioner such periodic reports as the commissioner may reasonably request and keep such records, and afford access to such records, as the commissioner finds necessary to verify such reports.

~~(6) 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. Personal care attendants or interpreters may be reimbursed by reasonable fees for service.~~

Section 24. Section 413.40, Florida Statutes, is amended to read:

413.40 Powers of division; independent living program.—The division, in carrying out a program of providing independent living rehabilitation services to persons who have individuals with severe disabilities, shall be authorized to:

(1) Employ necessary personnel.

(2) Employ consultants.

(3) Provide diagnostic, medical, and psychological and other evaluation services.

(4) Provide training necessary for rehabilitation.

(5) Provide for persons found to require financial assistance with respect thereto and provide maintenance, including:

(a) Personal care attendant services; while undergoing rehabilitation;

(b) Transportation incident to necessary rehabilitation services;

(c) Physical and mental restoration services, prosthetic appliances, and other equipment determined to be necessary for rehabilitation.

(6) Provide rehabilitation facilities necessary for the rehabilitation of persons who have severe individuals with disabilities or contract with facilities such as centers for independent living for necessary services. The division shall not, however, assume responsibility for permanent custodial care of any individual and shall provide rehabilitation services only for a period long enough to accomplish the rehabilitation objective or to determine that rehabilitation is not feasible through the services which can be made available under this section to the individual being served.

(7) Contract with any entity, public or private, to provide independent living services.

Section 25. Section 413.401, Florida Statutes, is amended to read:

413.401 Eligibility for independent living services.—Independent living services may be provided to any person who has a severe disability and for whom individual with disabilities who has:

(1) A severe physical or mental disability;

(2) A severe limitation in his ability to function independently in a family or community setting, or to engage in or continue in employment; and

(3) a reasonable expectation exists that independent living rehabilitative services will significantly assist the individual to improve his ability to function independently within the family or community, or to engage in or continue in employment, and to be able to function independently.

Section 26. Section 413.405, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 413.405, F.S., for present text.)

413.405 Rehabilitation Advisory Council.—There is created the Rehabilitation Advisory Council to assist the division in the planning and development of state-wide rehabilitation programs and services, to recommend improvements to such programs and services, and to perform the functions listed in this section.

(1) The council shall be composed of:

(a) At least one representative of the Independent Living Council, which representative may be the chairperson or other designee of the council.

(b) At least one representative of a parent training and information center established pursuant to s. 631(c)(9) of the Individuals with Disabilities Act, 20 U.S.C. s. 1431(c)(9).

(c) At least one representative of the client assistance program established under s. 112 of the act.

(d) At least one vocational rehabilitation counselor who has knowledge of and experience in vocational rehabilitation services, who shall serve as an ex officio, nonvoting member of the council if the counselor is an employee of the department.

(e) At least one representative of community rehabilitation program service providers.

(f) At least four representatives of business, industry, and labor.

(g) Representatives of disability advocacy groups representing a cross-section of:

1. Persons who have physical, cognitive, sensory, or mental disabilities.

2. Parents, family members, guardians, advocates, or authorized representatives of persons who have disabilities and who find it difficult to or are unable due to their disabilities to represent themselves.

(h) Current or former applicants for, or recipients of, vocational rehabilitation services.

(i) The director of the division, who shall be an ex officio member of the council.

(2) Total membership on the council, including ex officio members, shall not exceed 19 at any one time.

(3) Members of the council shall be appointed by the Governor, who shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals who have disabilities and organizations interested in those individuals.

(4) A majority of council members shall be persons who are:

(a) Individuals who have disabilities described in s. 7(8)(B) of the act.

(b) Not employed by the division.

(5) The council shall select a chairperson from among the membership of the council.

(6) Each member of the council shall serve for a term of not more than 3 years, except that:

(a) A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term.

(b) The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.

No member of the council may serve more than two consecutive full terms.

(7) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.

(8) In addition to the other functions specified in this section, the council shall:

(a) Review, analyze, and advise the division regarding the performance of the responsibilities of the division under Title I of the act, particularly responsibilities relating to:

1. Eligibility, including order of selection.
2. The extent, scope, and effectiveness of services provided.
3. Functions performed by state agencies that affect or potentially affect the ability of individuals who have disabilities to achieve rehabilitation goals and objectives under Title I.
 - (b) Advise the department and the division, and, at the discretion of the department or division, assist in the preparation of applications, the state plan, the strategic plan, and amendments to the plans, reports, needs assessments, and evaluations required by Title I.
 - (c) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
 1. The functions performed by state agencies and other public and private entities responsible for performing functions for individuals who have disabilities.
 2. Vocational rehabilitation services:
 - a. Provided or paid for from funds made available under the act or through other public or private sources.
 - b. Provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who have disabilities.
 - (d) Prepare and submit an annual report on the status of vocational rehabilitation services in the state to the Governor and the Commissioner of the Rehabilitative Services Administration, established under s. 702 of the act, and make the report available to the public.
 - (e) Coordinate with other councils within Florida, including the Independent Living Council, the advisory panel established under s. 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State Planning Council described in s. 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s. 6024, and the state mental-health planning council established under s. 1916(e) of the Public Health Service Act, 42 U.S.C. 300x-4(e).
 - (f) Advise the department and division and provide for coordination and the establishment of working relationships among the department, the division, the Independent Living Council, and centers for independent living in the state.
 - (g) Perform such other functions as the council determines to be appropriate that are comparable to functions performed by the council.
 - (9)(a) The council shall prepare, in conjunction with the division, a plan for the provision of such resources, including at least four staff persons, as may be necessary to carry out the functions of the council. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.
 - (b) If there is a disagreement between the council and the division in regard to the resources necessary to carry out the functions of the council as set forth in this section, the disagreement shall be resolved by the Governor.
 - (c) The council shall, consistent with law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions.

(d) While assisting the council in carrying out its duties, staff and other personnel shall not be assigned duties by the division or any other state agency or office that would create a conflict of interest.

(10) The council shall convene at least four meetings each year. These meetings shall occur in such places as the council deems necessary to conduct council business. The council may conduct such forums or hearings as the council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public unless there is a valid reason for an executive session. The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

(11) The council shall reimburse members of the council for reasonable and necessary expenses of attending council meetings and performing council duties, including child care and personal assistance services, as provided in and subject to the requirements of s. 112.061. The council may pay reasonable compensation to a member of the council if such member is not employed or must forfeit wages from other employment for each day the member is engaged in performing the duties of the council.

Section 27. Section 413.407, Florida Statutes, is created to read:

413.407 Assistive Technology Advisory Council.—There is created the Assistive Technology Advisory Council, responsible for ensuring consumer involvement in the creation, application, and distribution of technology-related assistance to and for persons who have disabilities. The council shall fulfill its responsibilities through statewide policy development, both state and federal legislative initiatives, advocacy at both the state and federal level, planning of statewide resource allocations, policy-level management, reviews of both consumer responsiveness and the adequacy of program service delivery, and by performing the functions listed in this section.

(1)(a) The council shall be composed of:

1. Nine persons who have disabilities and who are assistive technology consumers or representatives of consumer organizations concerned with assistive technology.

2. Up to nine representatives of business and industry, including the insurance industry, concerned with assistive technology.

3. Up to nine representatives of academia, community agencies, and state agencies concerned with assistive technology.

Total membership on the council shall not exceed 27 at any one time.

(b) Members of the council shall be appointed by the secretary from a list of candidates proposed by the division director.

(c) A majority of council members shall be persons who have disabilities as described in s. 706(8)(B) of the act who are also consumers of assistive technology or family members of such persons.

(d) The members of the council shall select two co-chairs from among the membership of the council.

1. One co-chair may be selected from the group described in paragraph (c) and one co-chair shall be selected from the other council members.

2. No co-chair may be an elected member or an employee of a state agency or of any political subdivision of the state.

(e)1. Each member of the council shall serve for a term of not more than 3 years, except that:

a. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term.

b. The terms of service of the members shall be staggered through initial appointments of 3 years for one-third, 2 years for one-third, and 1 year for one-third. Each eligible group described in paragraph (a) shall reflect this distribution.

2. No member of the council may serve more than two consecutive terms; however, any appointment under sub-subparagraph 1.a., if for less than 18 months, shall not be considered a term for the purposes of this section.

(f) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.

(2) In addition to the other functions specified in this section, the council shall:

(a) Act as the board of directors of a not-for-profit corporation created by the division. Through the corporation, the council shall provide direction and funding to Florida's Alliance for Assistive Services and Technology, a project sponsored by the department for the coordination and delivery of appropriate, cost-effective, state-of-the-art assistive technology services and devices.

(b) Appoint committees made up of members of the council to focus on specific issues within the council's mandate. Committees may request and accept in-kind contributions of personnel from public or private entities to supply such staffing as the committees deem necessary to carry out their individual mandates. These committees shall include, but are not limited to:

1. A committee of those members representing state agencies, functioning as an interagency workshop. The interagency workshop shall develop cooperative agreements among government agencies and perform such other duties as the council deems appropriate. The interagency workshop's members shall assign staff from their respective agencies to the alliance, as an in-kind contribution for a specified period of time, to review federal and state legislation and agency policies and practices and to identify both facilitators of, and barriers to, accessibility and utilization of assistive technology services, devices, and funding sources.

2. A technology-awareness committee to encourage the formation of technology-awareness groups among consumers, providers, and other interested individuals, particularly in schools or workplaces.

(c) Review and approve all reports, recommendations, and proposed actions of committee staff.

(d) Appoint the executive director of the alliance. The executive director shall be responsible for overall administration and day-to-day direction of the alliance, as well as supervision of all staff.

(e) Annually review and approve the strategic or business plan of the alliance, as submitted by the executive director.

(f) Submit an annual comprehensive report of the activities of the council, the corporation, and the alliance to the division director.

(g) Perform such other functions as the council determines to be appropriate which are comparable to functions performed by the council.

(h) Convene at least four meetings each year in such places as it determines to be necessary to conduct council business and may conduct such forums or hearings as the council considers appropriate. The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

Section 28. Section 413.41, Florida Statutes, is amended to read:

413.41 Cooperation by division with state agencies.—The division is hereby authorized to cooperate with other agencies of the state government or with any nonprofit, charitable corporations or foundations concerned with the problems of persons who have individuals with disabilities. The division may provide disability evaluation, work capacity appraisal, and appraisal of vocational rehabilitation potential of persons who have individuals with disabilities for other public agencies pursuant to agreements made with at the request of such agencies. The division may charge the agencies contracting for these services the actual cost thereof.

Section 29. Section 413.42, Florida Statutes, is amended to read:

413.42 Cooperation with federal agencies.—The division is ~~hereby~~ authorized to cooperate with any agency of the Federal Government charged with responsibility for administering laws relating to rehabilitation of persons who have individuals with disabilities or the evaluation of ~~those the capacity of persons with disabilities~~ for employment, for preparation for employment, or for independent living. The division shall further be authorized to accept and disburse any funds appropriated by Congress and made available to the state for the purpose of rehabilitating persons who have disabilities disabled individuals or for the evaluation of ~~those persons disabled individuals~~ for rehabilitation or for gainful activity, or for any other purpose related to the lawful function of the division, and the division is authorized to take such action as may be necessary to execute the purposes of any such federal grants.

Section 30. Section 413.43, Florida Statutes, is amended to read:

413.43 Utilization of state and federal funds.—The division is authorized to utilize for purposes of this law, and for matching any federal funds which may be available for similar rehabilitation purposes, any funds appropriated or allotted to the division. The division is authorized to accept such gifts and refunds as may be made unconditionally or as are not burdened with conditions inconsistent with the purposes of this part the rehabilitation program.

Section 31. Section 413.46, Florida Statutes, is amended to read:

413.46 Legislative intent.—It is the intent of the Legislature to ensure the referral of persons who have moderate-to-severe brain or spinal cord injuries to a coordinated rehabilitation program developed and administered by the division. The program shall provide eligible persons, as defined in s. 413.507, the opportunity to

obtain the necessary rehabilitative services enabling them to be referred to a vocational rehabilitation program or to return to an appropriate level of functioning in their community. Further, it is intended that permanent disability be avoided, whenever possible, through prevention, early identification, skilled emergency evacuation procedures, and proper medical and rehabilitative treatment severely disabled persons to the division by appropriate individuals or public and private agencies in order that all severely disabled persons might obtain the appropriate rehabilitative services rendered by the division and other state agencies.

Section 32. Section 413.465, Florida Statutes, is created to read:

413.465 Short title.—Sections 413.465-413.74 may be cited as the “Charlie Mack Overstreet Brain or Spinal Cord Injuries Act.”

Section 33. Subsection (1) of section 413.48, Florida Statutes, is amended to read:

413.48 Establishment and maintenance of a central registry.—The division shall establish and maintain a central registry of severely disabled persons who have moderate-to-severe brain or spinal cord injuries.

(1) Every public health agency, and private health agency, and public social agency, private social agency, and attending physician shall report to the division within 57 days after identification or diagnosis of any severely disabled person who has a moderate-to-severe brain or spinal cord injury; however, the consent of the individual shall be obtained prior to making this report, except that every spinal cord disease or injury resulting in permanent or total disability shall be reported to the division immediately upon identification. The consent of such person shall not be required.

Section 34. Section 413.49, Florida Statutes, is amended to read:

413.49 Duties and responsibilities of the division.—Consistent with the mandate of s. 413.46, the division shall develop and administer a multilevel treatment program for persons who have brain or spinal cord injuries and who are referred to the brain and spinal cord injury program.

(1) Within 15 days after any of the report and identification of a severely disabled person who has a brain or spinal cord injury, the division shall notify the individual or the most immediate available family members of their right to assistance from the state, the services available, and the eligibility requirements.

(2) The division shall refer severely disabled persons who have brain or spinal cord injuries to other state agencies to assure that rehabilitative services, if desired, are obtained by that the severely disabled person.

(3) The division, in consultation with emergency medical service, shall develop standards for an emergency medical evacuation system that will ensure that all persons who sustain traumatic brain or spinal cord injuries are transported to a division-approved trauma center that meets the standards and criteria established by the emergency medical service and the acute-care standards of the brain and spinal cord injury program.

(4) The division shall develop standards for designation of rehabilitation centers to provide rehabilitation services for persons who have brain or spinal cord injuries.

(5) The division shall determine the appropriate number of designated acute-care facilities, inpatient rehabilitation centers, and outpatient rehabilitation centers, needed based on incidence, volume of admissions, and other appropriate criteria.

(6) The division shall develop standards for designation of transitional living facilities to provide individuals the opportunity to adjust to their disabilities and to develop physical and functional skills in a supported living environment.

(a) The Agency for Health Care Administration, in consultation with the division, shall develop rules for the licensure of transitional living facilities for persons who have brain or spinal cord injuries.

(b) The goal of a transitional living program for persons who have brain or spinal cord injuries is to assist each person who has such a disability to achieve a higher level of independent functioning and to enable that person to reenter the community. The program shall be focused on preparing participants to return to community living.

(c) A transitional living facility for a person who has a brain or spinal cord injury shall provide to such person, in a residential setting, a time-limited, goal-oriented treatment program designed to improve the person's physical, cognitive, communicative, behavioral, psychological, and social functioning, as well as to provide necessary support and supervision.

(d) All residents shall use the transitional living facility as a temporary measure and not as a permanent home or domicile.

(7) Recipients of services, under this section, from any of the facilities referred to in this section shall pay a fee based on ability to pay.

~~(3) All other agencies of the state shall cooperate with the division to ensure that appropriate rehabilitative services are available.~~

Section 35. Section 413.507, Florida Statutes, is created to read:

413.507 Eligibility for the brain and spinal cord injury program.—

(1) An individual shall be accepted as eligible for the brain and spinal cord injury program following certification by the division that the individual:

(a) Has been referred to the central registry pursuant to s. 413.48.

(b) Is a legal resident of this state at the time of application for services.

(c) Has suffered a traumatic injury as defined in s. 413.20.

(d) Is medically stable as defined by rules of the division.

(e) Is reasonably expected to achieve reintegration into the community through rehabilitative services.

(2) In the event the division is unable to provide services to all eligible individuals, the division may establish an order of selection.

Section 36. Section 413.604, Florida Statutes, is amended to read:

413.604 Nursing home residents, age 55 and under; annual survey.—The division shall conduct an annual survey of nursing homes in the state to determine the number of ~~persons~~ individuals 55 years of age and under who reside in such homes

due to brain or a spinal cord injuries injury. All persons individuals identified in such a survey shall be evaluated as to their rehabilitation potential, and any person individual who may benefit from rehabilitation shall be given an opportunity to participate in an appropriate rehabilitation program for which he may be eligible.

Section 37. Section 413.605, Florida Statutes, is amended to read:

413.605 Advisory council on brain and spinal cord injuries.—

(1) ~~There is created within the department a 16-member of Labor and Employment Security an advisory council on brain and spinal cord injuries composed of five appropriate professionals, with expertise in areas related to the care and rehabilitation of individuals with spinal cord injuries, and six individuals with spinal cord injuries. The council shall be composed of a minimum of four persons who have brain injuries or are family members of persons who have brain injuries, a minimum of four persons who have spinal cord injuries or are family members of persons who have spinal cord injuries, and a minimum of two persons who represent the special needs of children who have brain or spinal cord injuries. The balance of the council members shall be physicians, other allied health professionals, administrators of brain and spinal cord injury programs, and representatives from support groups that have expertise in areas related to the rehabilitation of persons who have brain or spinal cord injuries.~~

(2) ~~Members of the council shall be appointed to serve by the secretary and shall serve for terms of 4 years, except that five members of the first appointed council shall serve for 2 years. An individual may not serve more than two terms.~~

(a) ~~Eight members of the first appointed council shall serve an initial term of 2 years. This group shall include two persons who have brain injuries or are family members of persons who have brain injuries, two persons who have spinal cord injuries or are family members of persons who have spinal cord injuries, and four other persons from the previous council.~~

(b) ~~The remaining members of the first appointed council shall serve an initial term of 4 years. Thereafter all members' terms shall be for 4 years.~~

(c) ~~Any council member who is unwilling or unable to properly fulfill the duties of the office shall be succeeded by a person chosen by the secretary to serve out the unexpired balance of the replaced council member's term. If the unexpired balance of the replaced council member's term is less than 18 months, then, notwithstanding the provisions of this subsection, the succeeding council member may be reappointed by the secretary twice.~~

(3) ~~The council shall meet at least two times annually, and members shall be entitled to per diem and travel expenses in accordance with the provisions of s. 112.061.~~

(4) ~~The council shall provide advice and expertise to the division in the preparation, implementation, and periodic review of the brain and spinal cord injury coordinated rehabilitation program as referenced in s. 413.49 set forth in this act.~~

(5) ~~The membership of the council shall be appointed not later than August 1, 1994.~~

Section 38. Section 413.613, Florida Statutes, is amended to read:

413.613 Brain and Spinal Cord Injury Rehabilitation Impaired Drivers and Speeders Trust Fund.—

(1) There is created in the State Treasury the Brain and Spinal Cord Injury Rehabilitation Impaired Drivers and Speeders Trust Fund. Moneys in the fund shall be appropriated ~~beginning in fiscal year 1989-1990~~ to the division of Vocational Rehabilitation of the Department of Labor and Employment Security for the purpose of following purposes:

(a) providing the cost of care for brain or spinal cord injuries and head injury as a payer of last resort to residents of ~~this the state of Florida~~, for multilevel programs of care established pursuant to s. 413.49 ss. 413.601-413.605 and ss. 413.611-413.612.

~~(a)1.~~ Authorization of expenditures for brain or spinal cord injury care and head injury care shall be made only by the division of Vocational Rehabilitation of the Department of Labor and Employment Security.

~~(b)2.~~ Authorized expenditures include acute care, rehabilitation, transitional living, and equipment, and supplies necessary for activities of daily living.

~~(b)~~ public information, prevention, education, and research.

(2) The division of Vocational Rehabilitation shall issue a report to the President of the Senate and the Speaker of the House of Representatives by March 1 of each year, summarizing the activities supported by the trust fund.

(3) ~~Annually Beginning in fiscal year 1992-1993~~, 5 percent of the revenues deposited monthly in the fund pursuant to s. 318.21(2)(d) shall be appropriated to the University of Florida and 5 percent to the University of Miami for spinal cord injury and brain head injury research. The amount to be distributed to the universities shall be calculated based on the deposits into the fund for each quarter in the fiscal year, but may not exceed \$500,000 per university per year. Funds distributed under this subsection shall be made in quarterly payments at the end of each quarter during the fiscal year.

(4) The Board of Regents shall establish a program review process and may allocate up to \$10,000 of such funds for an overall program review which would include: a prospective program plan with goals, research design and proposed outcomes, and an annual report of research activities and findings. Prospective program plans shall be submitted to the Board of Regents, and funds shall be released upon acceptance of the proposed program plans. The annual report of research activities and findings shall be submitted to the Board of Regents, with the executive summaries submitted to the President of the Senate, the Speaker of the House of Representatives, and the secretary of the Department of Labor and Employment Security.

Section 39. Paragraph (a) of subsection (4) of section 413.615, Florida Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(4) REVENUE FOR THE ENDOWMENT FUND.—

(a) The endowment fund of the Florida Endowment for Vocational Rehabilitation is created as a long-term, stable, and growing source of revenue to be adminis-

tered, in accordance with rules promulgated by the division of Vocational Rehabilitation, by the foundation as a direct-support organization of the division.

Section 40. Section 413.70, Florida Statutes, is amended to read:

413.70 Limiting disabilities program; establishment; purpose.—The division of Vocational Rehabilitation of the Department of Labor and Employment Security shall establish and maintain a limiting disabilities program. The program shall provide rehabilitation services to persons who have a limiting disability if such persons are unable to obtain rehabilitation services offered by other state or local agencies or pursuant to other programs established in this part chapter 413. Further, the program shall provide a referral and information service for any persons requesting vocational rehabilitation services and other related services.

Section 41. Section 413.72, Florida Statutes, is amended to read:

413.72 Eligibility.—

(1) ~~A person~~ An individual who has a limiting disability must document his limiting disability through diagnostics provided by him or by the division of Vocational Rehabilitation of the Department of Labor and Employment Security to be eligible for services provided through the limiting disabilities program. Any person who has with a rapidly changing condition is not eligible for such services.

(2) ~~A person~~ An individual who has a limiting disability and who requires multiple rehabilitation services over an extended period of time or requires occupational placement services in conjunction with rehabilitation services shall be referred by the division to its vocational rehabilitation program or shall be served under other provisions of this part chapter 413 or other applicable law.

Section 42. Section 413.73, Florida Statutes, is amended to read:

413.73 Disability assistance program.—The division of Vocational Rehabilitation of the Department of Labor and Employment Security shall:

(1) Provide rehabilitation services to persons who have limiting disabilities. Prior to providing these services, the division shall determine if the services are provided by any other agency and if so shall coordinate the rehabilitation services through such agency.

(2) Establish and maintain a toll-free telephone service during workdays between 8 a.m. and 5 p.m. to respond to persons in this state who request information pertaining to rehabilitation services and related services and to provide referral services to such persons.

(3) Maintain a coordinated referral and followup system to enable it to determine whether services were provided by an agency and if so the kind of services provided.

(4) Analyze the information collected through its referral and followup system; and, beginning November 1, 1991, report the results of the analysis, including in such analysis a needs assessment for persons who have limiting disabilities, to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually on or before November 1.

(5) Establish an educational and informational program to inform the public and other agencies of its referral procedures and the kinds of services available and to publicize its toll-free telephone service.

(6) Adopt rules to implement the objectives of the limiting disabilities program.

Section 43. Section 413.731, Florida Statutes, is amended to read:

413.731 Legislative funding; contracting for services.—

(1) ~~The services prescribed to be provided by the division of Vocational Rehabilitation of the Department of Labor and Employment Security pursuant to this part act are required only to the extent they are funded by the Legislature.~~

(2) The division may also apply for funds and grants from private sources, the Federal Government, or any other source.

(3) The division may contract with other persons to provide the services which it is required to provide.

(4) Notwithstanding anything contained in this part to the contrary, the division is the pavor of last resort regarding the provision of any services under this part.

Section 44. Subsection (1) of section 413.74, Florida Statutes, is amended to read:

413.74 Other agencies; cooperation and referral.—

(1) When an individual contacts any public agency requesting rehabilitation services, the agency shall determine whether the individual's needs can be met by that agency. If the agency determines that it cannot meet the individual's needs and it knows of no resources in the community that can meet the individual's needs, the agency shall refer the individual to the division of ~~Vocational Rehabilitation of the Department of Labor and Employment Security~~ via a toll-free telephone number.

Section 45. Paragraph (c) of subsection (1) of section 427.706, Florida Statutes, is amended to read:

427.706 Advisory committee.—

(1) The commission shall appoint an advisory committee to assist the commission with the implementation of the provisions of this part. The committee shall be composed of no more than 11 persons and shall include, to the extent practicable, the following:

(c) One hearing impaired person recommended by the Florida Council for Persons Who Are Deaf or Hard of the Hearing Impaired.

Section 46. Subsections (6) and (7) of section 427.708, Florida Statutes, are amended to read:

427.708 Certain public safety and health care providers required to purchase and operate TDD's.—

(6) Each office or organization required to purchase TDD's pursuant to this section shall buy such equipment which meets the same specifications as those selected by the Florida Council for Persons Who Are Deaf or Hard of the Hearing Impaired.

(7) Each office or organization required to operate TDD's pursuant to this section shall utilize equipment in accordance with standards established by the Florida Council for Persons Who Are Deaf or Hard of the Hearing Impaired.

Section 47. Sections 413.25, 413.35, 413.381, 413.47, 413.601, 413.603, 413.611, 413.612, and 413.71, Florida Statutes, and sections 413.602 and 413.614, Florida Statutes, as amended by chapter 93-217, Laws of Florida, are repealed.

Section 48. This act shall take effect July 1, 1994.

Approved by the Governor May 31, 1994.

Filed in Office Secretary of State May 31, 1994.

CHAPTER 94-325

Committee Substitute for Committee Substitute for House Bill No. 1141

An act relating to biomedical waste; amending s. 1 of ch. 92-31, Laws of Florida; continuing a moratorium which prohibits the construction of biomedical waste incinerators until a date specified; exempting certain incinerators which have completed state and local permitting and begun construction by the effective date of the act or had commenced construction by a certain date and met specific findings; providing that the prohibition applies to new incinerators; providing a definition of "commenced construction"; requiring the Department of Environmental Protection to make certain legislative recommendations; requiring the Department of Environmental Protection and the Department of Health and Rehabilitative Services to review and amend certain rules, and evaluate state biomedical waste generation and treatment capacity, according to a specified schedule; requiring a report to the Legislature; providing severability; providing an effective date.

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

Section 1. Section 1 of chapter 92-31, Laws of Florida, is amended to read:

Section 1. Notwithstanding s. 403.707, Florida Statutes, s. 403.722, Florida Statutes, or any other provision of law, a person may not begin construction on or be issued a permit for the construction of a biomedical biohazardous waste incinerator. This prohibition shall expire October 1, 1996. ~~This prohibition expires October 1, 1994, and shall not apply to modifications to or replacements of existing biomedical waste incinerators that will not result in an increase in allowable emissions of any air pollutants regulated under the Department of Environmental Protection rule establishing specific emission limiting standards for biological waste incineration facilities, Rule 17-296.401(4)(a)-(d), Florida Administrative Code by the Department of Environmental Regulation.~~

Section 2. This prohibition shall specifically apply to any new biomedical waste incinerator which had not commenced construction prior to the effective

date of this act. For purposes of this section, the term "commenced construction" means that the owner had received all requisite state and local permits and approval prior to the effective date of this act and had begun a continuous program of actual onsite construction of the facility; provided, however, if the Department of Environmental Protection has found that a facility had commenced construction as of March 1992, and if a court of competent jurisdiction has found that chapter 92-31, Laws of Florida, did not preclude the issuance of a building permit for that facility, the facility is not subject to this moratorium.

Section 3. No later than the beginning of the 1995 Regular Session of the Legislature, the Department of Environmental Protection shall prepare recommendations for any proposed statutory amendments or additional funding resources needed to implement the recommendations contained in the November 1993 report on Biomedical Waste Treatment in Florida.

Section 4. No later than October 1, 1995, the Department of Environmental Protection and the Department of Health and Rehabilitative Services shall review and, where appropriate, make more stringent their respective rules applicable to the management and treatment of biomedical waste.

Section 5. No later than December 1, 1995, the Department of Environmental Protection shall provide to the President of the Senate and the Speaker of the House of Representatives an updated evaluation of biomedical waste generation and treatment capacity and advise the Legislature on whether the treatment capacity is adequate to treat the biomedical waste generated in the state.

Section 6. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that 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 7. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 2, 1994.

Filed in Office Secretary of State June 1, 1994.

CHAPTER 94-326

House Bill No. 1763

An act relating to bingo; amending s. 849.0931, F.S.; providing conditions under which bingo may be conducted by a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513, F.S.; providing an effective date.

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

Section 1. Subsection (4) and paragraph (e) of subsection (11) of section 849.0931, Florida Statutes, are amended to read:

849.0931 Bingo authorized; conditions for conduct; permitted uses of proceeds; limitations.—

(4) The right of a condominium association, a mobile home owners' association, ~~or~~ a group of residents of a mobile home park as defined in chapter 723, or a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513 to conduct bingo is conditioned upon the return of the net proceeds from such games to players in the form of prizes after having deducted the actual business expenses for such games for articles designed for and essential to the operation, conduct, and playing of bingo. Any net proceeds remaining after paying prizes may be donated by the association to a charitable, nonprofit, or veterans' organization which is exempt from federal income tax under the provisions of s. 501(c) of the Internal Revenue Code to be used in such recipient organization's charitable, civic, community, benevolent, religious, or scholastic works or similar activities or, in the alternative, such remaining proceeds shall be used as specified in subsection (3).

(11) Bingo games may be held only on the following premises:

(e) With respect to bingo games conducted by a condominium association, a mobile home owners' association, ~~or~~ a group of residents of a mobile home park as defined in chapter 723, or a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513, property owned by the association, property owned by the residents of the mobile home park or recreational vehicle park, or property which is a common area located within the condominium, ~~or~~ mobile home park, or recreational vehicle park.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 2, 1994.

Filed in Office Secretary of State June 1, 1994.

CHAPTER 94-327

House Bill No. 2217

An act relating to corporations, amending s. 607.10025, F.S.; providing that a board of directors may increase the number of authorized shares; amending s. 607.0902, F.S.; providing that an acquisition of shares approved by the board of directors does not constitute a control-share acquisition; amending s. 607.1302, F.S.; providing that section does not apply if shares were designated as national market security by the National Association of Securities Dealers, Inc.; amending ss. 607.0720 and 607.1602, F.S.; prohibiting shareholders from selling or distributing specified information under certain circumstances; providing a civil penalty; providing for award of attorney fees and costs; amending s. 607.0732, F.S.; specifying alternative procedures for executing authorized shareholder agreements; ratifying and confirming actions taken pursuant to the previous versions of said section; amending s. 607.1430, F.S.; providing an additional circumstance for judicial dissolution of a corporation; amending s.

607.1431, F.S.; providing for award of attorney's fees under certain circumstances; creating ss. 607.1434, 607.1435, and 607.1436, F.S.; providing alternative remedies to judicial dissolution; providing for appointment of a provisional director of a corporation under certain circumstances; providing duties of the provisional director; providing for compensation; providing for an election to purchase instead of dissolution; providing procedures; providing for payment; providing for certain fees and expenses; providing an effective date.

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

Section 1. Subsection (7) is added to section 607.0720, Florida Statutes, to read:

607.0720 Shareholders' list for meeting.—

(7) A shareholder may not sell or otherwise distribute any information or records inspected under this section, except to the extent that such use is for a proper purpose as defined in s. 607.1602(3). Any person who violates this provision shall be subject to a civil penalty of \$5,000.

Section 2. Paragraph (a) of subsection (2) of section 607.0732, Florida Statutes, as created by section 20 of chapter 93-281, Laws of Florida, is amended to read:

607.0732 Shareholder agreements.—

(2) An agreement authorized by this section shall be:

(a)1. Set forth in the articles of incorporation or bylaws and approved and signed by all persons who are shareholders at the time the agreement or:

2. Set forth in a written agreement that is signed by all persons who are shareholders at the time of the agreement and such written agreement is made known to the corporation.

Section 3. Subsection (2) of section 607.10025, Florida Statutes, is amended to read:

607.10025 Shares; combination or division.—

(2) Unless the articles of incorporation provide otherwise, a division or combination may be effected solely by the action of the board of directors. In effecting a share combination or division, the board shall have authority to amend the articles to:

(a) Increase or decrease the par value of shares;

(b) Increase or decrease the number of authorized shares; or

(c) Make any other changes necessary or appropriate to assure that the rights or preferences of each holder of outstanding shares of all classes and series will not be adversely affected by the combination or division.

The board shall not have the authority to amend the articles, and shareholder approval of any amendment shall be required pursuant to s. 607.1003, if, as a result of the amendment, the rights or preferences of the holders of any outstanding class or series will be adversely affected, or the percentage of authorized shares remain-

ing unissued after the share division or combination will exceed the percentage of authorized shares that was unissued before the division or combination.

Section 4. Subsection (2)(d)7. of section 607.0902, Florida Statutes, is created to read:

607.0902 Control-share acquisitions.—

(2) “CONTROL-SHARE ACQUISITION.”—

(d) The acquisition of any shares of an issuing public corporation does not constitute a control-share acquisition if the acquisition is consummated in any of the following circumstances:

7. Pursuant to an acquisition of shares of an issuing public corporation which acquisition has been approved by the board of directors of such issuing public corporation.

Section 5. Subsection (4) of s. 607.1302, Florida Statutes, is amended to read:

(4) Unless the articles of incorporation otherwise provide, this section does not apply with respect to a plan of merger or share exchange or a proposed sale or exchange of property, to the holders of shares of any class or series which, on the record date fixed to determine the shareholders entitled to vote at the meeting of shareholders at which such action is to be acted upon or to consent to any such action without a meeting, were either registered on a national securities exchange or designated as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, Inc., or held of record by not fewer than 2,000 shareholders.

Section 6. Any and all actions which may have been taken pursuant to the provisions of s. 607.0732(2)(a), Florida Statutes, as it existed on May 15, 1993, subsequent to said date and prior to the effective date of this act are hereby ratified and confirmed, and shall be regarded as having the same status and authority as if this act had been in effect.

Section 7. Section 607.1430, Florida Statutes, is amended to read:

607.1430 Grounds for judicial dissolution.—A circuit court may dissolve a corporation or order such other remedy as provided in s. 607.1434:

(1)(a) In a proceeding by the Department of Legal Affairs if it is established that:

1. The corporation obtained its articles of incorporation through fraud; or
2. The corporation has continued to exceed or abuse the authority conferred upon it by law.

(b) The enumeration in paragraph (a) of grounds for involuntary dissolution does not exclude actions or special proceedings by the Department of Legal Affairs or any state official for the annulment or dissolution of a corporation for other causes as provided in any other statute of this state;

(2) In a proceeding by a shareholder if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered; or

(b) The shareholders are deadlocked in voting power and have failed to elect successors to directors whose terms have expired or would have expired upon qualification of their successors; or

(3) In a proceeding by a shareholder or group of shareholders in a corporation having 35 or fewer shareholders if it is established that:

(a)(e) The corporate assets are being misapplied or wasted, causing material injury to the corporation; or

(b) The directors or those in control of the corporation have acted, are acting, or are reasonably expected to act in a manner that is illegal or fraudulent;

(4)(3) In a proceeding by a creditor if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent; or

(5)(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

Section 8. Subsection (4) is added to section 607.1431, Florida Statutes, to read:

607.1431 Procedure for judicial dissolution.—

(4) If the court determines that any party has commenced, continued, or participated in an action under s. 607.1430 and has acted arbitrarily, frivolously, vexatiously, or not in good faith, the court may, in its discretion, award attorney's fees and other reasonable expenses to the other parties to the action who have been affected adversely by such actions.

Section 9. Section 607.1434, Florida Statutes, is created to read:

607.1434 Alternative remedies to judicial dissolution.—In an action for dissolution pursuant to s. 607.1430, the court may, upon a showing of sufficient merit to warrant such remedy:

(1) Appoint a receiver or custodian pendente lite as provided in s. 607.1432;

(2) Appoint a provisional director as provided in s. 607.1435;

(3) Order a purchase of the complaining shareholder's shares pursuant to s. 607.1436; or

(4) Upon proof of good cause, make any order or grant any equitable relief other than dissolution or liquidation as in its discretion it may deem appropriate.

Section 10. Section 607.1435, Florida Statutes, is created to read:

607.1435 Provisional director.—

(1) A provisional director may be appointed in the discretion of the court if it appears that such action by the court will remedy the grounds alleged by the complaining shareholder to support the jurisdiction of the court under s. 607.1430. A provisional director may be appointed notwithstanding the absence of a vacancy on the board of directors, and such director shall have all the rights and powers

of a duly elected director, including the right to notice of and to vote at meetings of directors, until such time as the provisional director is removed by order of the court or, unless otherwise ordered by a court, removed by a vote of the shareholders sufficient either to elect a majority of the board of directors or, if greater than majority voting is required by the articles of incorporation or the bylaws, to elect the requisite number of directors needed to take action. A provisional director shall be an impartial person who is neither a shareholder nor a creditor of the corporation or of any subsidiary or affiliate of the corporation, and whose further qualifications, if any, may be determined by the court.

(2) A provisional director shall report from time to time to the court concerning the matter complained of, or the status of the deadlock, if any, and of the status of the corporation's business, as the court shall direct. No provisional director shall be liable for any action taken or decision made, except as directors may be liable under s. 607.0831. In addition, the provisional director shall submit to the court, if so directed, recommendations as to the appropriate disposition of the action. Whenever a provisional director is appointed, any officer or director of the corporation may, from time to time, petition the court for instructions clarifying the duties and responsibilities of such officer or director.

(3) In any proceeding under this section, the court shall allow reasonable compensation to the provisional director for services rendered and reimbursement or direct payment of reasonable costs and expenses, which amounts shall be paid by the corporation.

Section 11. Section 607.1436, Florida Statutes, is created to read:

607.1436 Election to purchase instead of dissolution.—

(1) In a proceeding under s. 607.1430(2) or (3) to dissolve a corporation, the corporation may elect or, if it fails to elect, one or more shareholders may elect to purchase all shares owned by the petitioning shareholder at the fair value of the shares. An election pursuant to this section shall be irrevocable unless the court determines that it is equitable to set aside or modify the election.

(2) An election to purchase pursuant to this section may be filed with the court at any time within 90 days after the filing of the petition under s. 607.1430(2) or (3) or at such later time as the court in its discretion may allow. If the election to purchase is filed by one or more shareholders, the corporation shall, within 10 days thereafter, give written notice to all shareholders, other than the petitioner. The notice must state the name and number of shares owned by the petitioner and the name and number of shares owned by each electing shareholder and must advise the recipients of their right to join in the election to purchase shares in accordance with this section. Shareholders who wish to participate must file notice of their intention to join in the purchase no later than 30 days after the effective date of the notice to them. All shareholders who have filed an election or notice of their intention to participate in the election to purchase thereby become parties to the proceeding and shall participate in the purchase in proportion to their ownership of shares as of the date the first election was filed, unless they otherwise agree or the court otherwise directs. After an election has been filed by the corporation or one or more shareholders, the proceeding under s. 607.1430(2) or (3) may not be discontinued or settled, nor may the petitioning shareholder sell or otherwise dispose of his shares, unless the court determines that it would be equitable to the corpora-

tion and the shareholders, other than the petitioner, to permit such discontinuance, settlement, sale, or other disposition.

(3) If, within 60 days after the filing of the first election, the parties reach agreement as to the fair value and terms of the purchase of the petitioner's shares, the court shall enter an order directing the purchase of petitioner's shares upon the terms and conditions agreed to by the parties.

(4) If the parties are unable to reach an agreement as provided for in subsection (3), the court, upon application of any party, shall stay the s. 607.1430 proceedings and determine the fair value of the petitioner's shares as of the day before the date on which the petition under s. 607.1430 was filed or as of such other date as the court deems appropriate under the circumstances.

(5) Upon determining the fair value of the shares, the court shall enter an order directing the purchase upon such terms and conditions as the court deems appropriate, which may include payment of the purchase price in installments, when necessary in the interests of equity, provision for security to assure payment of the purchase price and any additional costs, fees, and expenses as may have been awarded, and, if the shares are to be purchased by shareholders, the allocation of shares among such shareholders. In allocating petitioner's shares among holders of different classes of shares, the court shall attempt to preserve the existing distribution of voting rights among holders of different classes insofar as practicable and may direct that holders of a specific class or classes shall not participate in the purchase. Interest may be allowed at the rate and from the date determined by the court to be equitable; however, if the court finds that the refusal of the petitioning shareholder to accept an offer of payment was arbitrary or otherwise not in good faith, no interest shall be allowed. If the court finds that the petitioning shareholder had probable grounds for relief under s. 607.1430(3), it may award to the petitioning shareholder reasonable fees and expenses of counsel and of any experts employed by petitioner.

(6) Upon entry of an order under subsection (3) or subsection (5), the court shall dismiss the petition to dissolve the corporation under s. 607.1430 and the petitioning shareholder shall no longer have any rights or status as a shareholder of the corporation, except the right to receive the amounts awarded by the order of the court, which shall be enforceable in the same manner as any other judgment.

(7) The purchase ordered pursuant to subsection (5) shall be made within 10 days after the date the order becomes final unless, before that time, the corporation files with the court a notice of its intention to adopt articles of dissolution pursuant to ss. 607.1402 and 607.1403, which articles shall then be adopted and filed within 50 days thereafter. Upon filing of such articles of dissolution, the corporation shall be dissolved in accordance with the provisions of ss. 607.1405 and 607.1406, and the order entered pursuant to subsection (5) shall no longer be of any force or effect, except that the court may award the petitioning shareholder reasonable fees and expenses of counsel and any experts in accordance with the provisions of subsection (5) and the petitioner may continue to pursue any claims previously asserted on behalf of the corporation.

(8) Any payment by the corporation pursuant to an order under subsection (3) or subsection (5), other than an award of fees and expenses pursuant to subsection (5), is subject to the provisions of s. 607.06401.

Section 12. Subsections (7) and (8) of section 607.1602, Florida Statutes, are renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to said section to read:

607.1602 Inspection of records by shareholders.—

(7) A shareholder may not sell or otherwise distribute any information or records inspected under this section, except to the extent that such use is for a proper purpose as defined in subsection (3). Any person who violates this provision shall be subject to a civil penalty of \$5,000.

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

Became a law without the Governor's approval June 2, 1994.

Filed in Office Secretary of State June 1, 1994.

CHAPTER 94-328

Committee Substitute for House Bill No. 2813

An act relating to taxation on live jai alai games; amending s. 550.0951, F.S.; providing for a reduction in the daily license fee for jai alai; amending s. 550.09511, F.S.; reducing the tax on handle per performance for live jai alai; deleting a current provision on certain tax on handle for jai alai; creating s. 550.2704, F.S.; providing for a Jai Alai Tournament of Champions Meet; providing for a different tax rate and daily license fee under certain circumstances; providing an effective date.

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

Section 1. Subsection (11) of section 550.002, Florida Statutes, is amended to read:

(11) "Full schedule of live racing or games" means, for a greyhound or jai alai permitholder, the conduct of a combination of at least 100 live evening or matinee performances during the preceding year; for a permitholder who has a converted permit or filed an application on or before June 1, 1990, for a converted permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse permitholder, the conduct of at least 40 live regular wagering performances during the preceding year; and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year. For a permitholder which is restricted by statute to certain operating periods within the year when other members of its same class of permit are authorized to operate throughout the year the specified number of live performances which constitute a full schedule of live racing or games shall be adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year and the resulting specified number of live performances shall constitute the full schedule of live games for such permitholder and all other permitholders

of the same class within 100 air miles of such permitholder. A live performance must consist of no fewer than eight races or games conducted live for each of a minimum of three performances each week at the permitholder's licensed facility under a single admission charge.

Section 2. Subsection (1) of section 550.0951, Florida Statutes, is amended to read:

550.0951 Payment of daily license fee and taxes.—

(1) DAILY LICENSE FEE.—Each person engaged in the business of conducting race meetings or jai alai games under this chapter, hereinafter referred to as the “permitholder,” “licensee,” or “permittee,” shall pay to the division, for the use of the division, a daily license fee of \$100 for each horserace and \$80 for each dog-race and \$40 for each jai alai game conducted at a racetrack or fronton licensed under this chapter. This license fee shall be deposited with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund.

Section 3. Paragraph (a) of subsection (2) of section 550.09511, Florida Statutes, is amended to read:

550.09511 Jai alai taxes; abandoned interest in a permit for nonpayment of taxes.—

(2) Notwithstanding the provisions of s. 550.0951(3)(b), wagering on live jai alai performances shall be subject to the following taxes:

(a)1. The tax on handle per performance for live jai alai performances is 5.07-1 percent of handle per performance. However, when the live handle of a permitholder during the preceding state fiscal year was less than \$15 million, the tax shall be paid on the handle in excess of \$30,000 per performance per day.

2. The tax shall be paid on handle in excess of \$30,000 when the average live handle per performance during the 1991-1992 state fiscal year was \$50,000 or less.

2.3. These tax rate rates shall be applicable only until the requirements of paragraph (b) are met.

Section 4. Section 550.2704, Florida Statutes, is created to read:

550.2704 Jai Alai Tournament of Champions Meet.—

(1) Notwithstanding any provision of this chapter, there is hereby created a special jai alai meet which shall be designated as the “Jai Alai Tournament of Champions Meet” and which shall be hosted by the Florida jai alai permitholders selected by the National Association of Jai Alai Frontons, Inc., to conduct such meet. The meet shall consist of three qualifying performances and a final performance, each of which is to be conducted on different days. Upon the selection of the Florida permitholders for the meet, and upon application by the selected permitholders, the Division of Pari-mutuel Wagering shall issue a license to each of the selected permitholders to operate the meet. The meet may be conducted during a season in which the permitholders selected to conduct the meet are not otherwise authorized to conduct a meet. Notwithstanding anything herein to the contrary, any Florida permitholder who is to conduct a performance which is a part of the Jai Alai Tournament of Champions Meet shall not be required to apply for the license for said meet if it is to be run during the regular season for which such permitholder has a license.

(2) Qualifying performances and the final performance of the tournament shall be held at different locations throughout the state, and the permitholders selected shall be under different ownership to the extent possible.

(3) Notwithstanding any provision of chapter 550, each of the permitholders licensed to conduct performances comprising the Jai Alai Tournament of Champions Meet shall pay no taxes on handle under s. 550.0951 or s. 550.09511 for any performance conducted by such permitholder as part of the Jai Alai Tournament of Champions Meet. The provisions of this subsection shall apply to a maximum of four performances.

(4) The Jai Alai Tournament of Champions Meet permitholders shall also receive a credit against the taxes, otherwise due and payable under s. 550.0951 or s. 550.09511, generated during said permitholders' current regular meet. This credit shall be in the aggregate amount of \$150,000, shall be prorated equally between the permitholders, and shall be utilized by the permitholders solely to supplement awards for the performance conducted during the Jai Alai Tournament of Champions Meet. All awards shall be paid to the tournament's participating players no later than 30 days following the conclusion of said Jai Alai Tournament of Champions Meet.

(5) In addition to the credit authorized in subsection (4), the Jai Alai Tournament of Champions Meet permitholders shall receive a credit against the taxes, otherwise due and payable under s. 550.0951 or s. 550.09511, generated during said permitholders' current regular meet, in an amount not to exceed the aggregate amount of \$150,000, which shall be prorated equally between the permitholders, and shall be utilized by the permitholders for such capital improvements and extraordinary expenses, including marketing expenses, as may be necessary for the operation of the meet. The determination of the amount to be credited shall be made by the division upon application of said permitholders.

(6) The permitholder shall be entitled to said permitholder's pro rata share of the \$150,000 tax credit provided in subsection (5) without having to make application, so long as appropriate documentation to substantiate said expenditures thereunder is provided to the division within 30 days following said Jai Alai Tournament of Champions Meet.

(7) No Jai Alai Tournament of Champions Meet shall exceed 4 days in any state fiscal year and no more than one performance shall be conducted on any 1 day of the meet. There shall be only one Jai Alai Tournament of Champions Meet in any state fiscal year.

(8) The division is authorized to adopt such rules as are necessary to facilitate the conduct of the Jai Alai Tournament of Champions Meet as authorized in this section. Included within this grant of authority shall be the adoption of rules regarding the overall conduct of the tournament so as to ensure the integrity of the event, licensing for participants, commingling of pari-mutuel pools, and audit requirements for tax credits and exemptions.

(9) The provisions of this section shall prevail over any conflicting provisions of this chapter.

Section 5. Notwithstanding any other provision in chapter 550, Florida Statutes, if any jai alai permitholder begins legal casino-type gaming activities:

(1) The tax rate on handle pursuant to s. 550.09511(2)(a)1, Florida Statutes, shall be 7.1 percent of handle per performance for such permitholder. The tax shall be paid on handle in excess of \$30,000 when the average live handle per performance during the 1991-1992 state fiscal year was \$50,000 or less; and

(2) The daily license fee pursuant to s. 550.0951(1), Florida Statutes, shall be \$80 for such permitholder.

Section 6. This act shall take effect July 1, 1994.

Became a law without the Governor's approval June 2, 1994.

Filed in Office Secretary of State June 1, 1994.

CHAPTER 94-329

Committee Substitute for House Bill No. 101

An act relating to attorney's fees and costs in certain proceedings relating to juveniles; creating s. 39.017, F.S.; requiring that attorneys to represent parents or legal guardians in proceedings under part III, IV, V, or VI of ch. 39, F.S., be appointed only upon a finding that the parent or legal guardian is indigent; providing procedures for determining indigency; providing for continuing jurisdiction to assess attorney's fees and costs against nonindigent parents and legal guardians; creating a lien on the real and personal property of parents and legal guardians who have had court-appointed attorneys and providing for enforceability of the lien; authorizing boards of county commissioners to contract with collection agencies under certain circumstances; providing an effective date.

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

Section 1. Section 39.017, Florida Statutes, is created to read:

39.017 Attorney's fees.—

(1) The court may appoint an attorney to represent a parent or legal guardian under part III, part IV, part V, or part VI only upon a finding that the parent or legal guardian is indigent.

(a) The finding of indigency of any parent or legal guardian may be made by the court at any stage of the proceedings. Any parent or legal guardian claiming indigency shall file with the court an affidavit containing the factual information required in paragraphs (c) and (d).

(b) A parent or legal guardian who is unable to pay for the services of an attorney without substantial hardship to self or family is indigent for the purposes of this part.

(c) Before finding that a parent or legal guardian is indigent, the court shall determine whether any of the following facts exist, and the existence of any such fact creates a presumption that the parent or legal guardian is not indigent:

1. The parent or legal guardian has no dependents and has a gross income exceeding \$250 per week; or, the parent or legal guardian has dependents and has a gross income exceeding \$250 per week plus \$100 per week for each dependent.

2. The parent or legal guardian owns cash in excess of \$1,000.

3. The defendant has an interest exceeding \$1,000 in value in a single motor vehicle as defined in s. 320.01.

(d) The court shall also consider the following circumstances before finding that a parent or legal guardian is indigent:

1. The probable expense of being represented in the case.

2. The parent's or legal guardian's ownership of, or equity in, any intangible or tangible personal property or real property or expectancy of an interest in any such property.

3. The amount of debts the parent or legal guardian owes or might incur because of illness or other misfortunes within the family.

(2) If, after the appointment of counsel for an indigent parent or legal guardian, it is determined that the parent or legal guardian is not indigent, the court has continuing jurisdiction to assess attorney's fees and costs against the parent or legal guardian, and order the payment thereof. When payment of attorney's fees or costs has been assessed and ordered by the court, there is hereby created a lien in the name of the county in which the legal assistance was rendered, enforceable as provided in subsection (3), upon all the property, both real and personal, of the parent or legal guardian who received the court-ordered appointed counsel under part III, part IV, part V, or part VI. The lien constitutes a claim against the parent or legal guardian and the parent's or legal guardian's estate in an amount to be determined by the court in which the legal assistance was rendered.

(3)(a) The lien created for court-ordered payment of attorney's fees or costs under subsection (2) is enforceable upon all the property, both real and personal, of the parent or legal guardian who is being, or has been, represented by legal counsel appointed by the court in proceedings under part III, part IV, part V, or part VI. The lien constitutes a claim against the person and the estate of the parent or legal guardian, enforceable according to law, in an amount to be determined by the court in which the legal assistance was rendered.

(b) Immediately after the issuance of an order for the payment of attorney's fees or costs, a judgment showing the name, the residential address, the date of birth, and either a physical description or the social security number of the parent or legal guardian must be filed for record in the office of the clerk of the circuit court in the county where the parent or legal guardian resides and in each county in which the parent or legal guardian then owns or later acquires any property. The judgment is enforceable on behalf of the county by the board of county commissioners of the county in which the legal assistance was rendered.

(c) Instead of the procedure described in paragraphs (a) and (b), the court is authorized to require that the parent or legal guardian who has been represented by legal counsel appointed by the court in proceedings under part III, part IV, part V, or part VI execute a lien upon his or her real or personal property, presently owned or after-acquired, as security for the debt created by the court's order requiring payment of attorney's fees or costs. The lien must be recorded in the public

records of the county at no charge by the clerk of the circuit court and is enforceable in the same manner as a mortgage.

(d) The board of county commissioners of the county where the parent received the services of an appointed private legal counsel is authorized to enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debt or lien imposed under this section. A parent, who has been ordered to pay attorney's fees or costs and who is not in willful default in the payment thereof, may, at any time, petition the court which entered the order for remission of the payment of attorney's fees or costs or of any unpaid portion thereof. If the court determines that payment of the amount due will impose manifest hardship on the parent or immediate family, the court may remit all or part of the amount due in attorney's fees or costs or may modify the method of payment.

(e) The board of county commissioners of the county claiming the lien is authorized to contract with a collection agency for collection of such debts or liens, provided the fee for collection is on a contingent basis not to exceed 50 percent of the recovery. However, no fee may be paid to any collection agency by reason of foreclosure proceedings against real property or from the proceeds from the sale or other disposition of real property.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-330

Committee Substitute for House Bill No. 173

An act relating to motor vehicle registration; amending s. 320.055, F.S.; providing for staggered renewal dates for renewal of motor vehicle registrations for certain short term rental vehicles; amending s. 318.141, F.S.; authorizing the use of traffic control officers to perform traffic control responsibilities during specified special events or activities under certain circumstances; providing an effective date.

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

Section 1. Subsection (4) of section 320.055, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(4) For a vehicle subject to registration under s. 320.08(13), for vehicles subject to registration under s. 320.08(6)(a) that are short term rental vehicles, as defined in s. 325.202(15), and for any vehicle for which a registration period is not otherwise specified, the registration period begins June 1 and ends May 31. For a vehicle subject to this registration period, the renewal period is the 30-day period beginning June 1.

(6) For those vehicles subject to registration under s. 320.08(6)(a) that are not short term rental vehicles, the department shall develop and implement a registration renewal system that, where practicable, evenly distributes the registration renewal period throughout the year.

Section 2. Subsection (1) of section 318.141, Florida Statutes, is amended to read:

318.141 Enforcement; traffic control officers and traffic infraction enforcement officers.—

(1)(a) Any sheriff's department, or any police department of a chartered municipality, may employ, as a traffic control officer, any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection is authorized to direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that such traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) In the case of a special event or activity in relation to which a nongovernmental entity is paying for traffic control on public streets, highways, or roads, traffic control officers may be employed to perform such traffic control responsibilities only when off-duty full-time law enforcement officers, as defined in s. 943.10(1), are unavailable to perform those responsibilities. However, this paragraph may not be construed to limit the use of traffic infraction enforcement officers for traffic enforcement purposes.

(c)(b) Nothing in this subsection shall be construed to permit the carrying of firearms or other weapons, nor shall traffic control officers have arrest authority.

Section 3. This act shall take effect January 1, 1995.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-331

House Bill No. 343

An act relating to the confidentiality of records of the corporation created to operate correctional work programs; amending s. 946.517, F.S., which provides that reports of the corporation that would not be a public record if prepared by the Department of Corrections are not public records; providing an exemption from public records requirements for proprietary

confidential business information in corporation records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, section 946.517, Florida Statutes, is reenacted and amended to read:

946.517 Corporation records ~~Reports of the corporation; public records.~~—Corporation records are public records; however, proprietary confidential business information shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the Legislature, the Comptroller, and the Governor, pursuant to their oversight and auditing functions, shall have access to all proprietary confidential business information upon request and without subpoena and shall retain the confidentiality of information so received. "Proprietary confidential business information" means information regardless of form or characteristics, that is owned or controlled by the corporation; is intended to be and is treated by the corporation as private and the disclosure of the information would cause harm to the corporation's business operations; has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, a legislative proceeding pursuant to Section 5, Article III of the State Constitution, or a private agreement that provides that the information may be released to the public; and, which is information regarding:

- (1) Internal auditing controls and reports of internal auditors.
- (2) Matters reasonably encompassed in privileged attorney-client communications.
- (3) Security measures, systems, or procedures.
- (4) Information concerning bids or other contractual data, banking records, and credit agreements, the disclosure of which would impair the efforts of the corporation to contract for goods or services on favorable terms.
- (5) Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information.
- (6) Corporate officer, employee personnel, or inmate worker information unrelated to compensation, duties, qualifications, or responsibilities.

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Each report of the corporation to the state or to the department is a public record, unless such report would not be a public record if prepared by the department.

Section 2. The Legislature finds that it is a public necessity that the records of the corporation created to operate correctional work programs regarding corporation security measures; bids, contractual data, banking records, credit agreements or other information which would impair the corporation's contracting process or injure the corporation's competitive business interest; and officer, inmate worker, and employee information unrelated to compensation, duties, qualifications, or responsibilities be held confidential and exempt from the public records

law. If it were otherwise, the inmates' and staff's health and safety would be jeopardized; the corporation could not competitively contract for or contract out its goods and services (which would impair the inmate work program and the corporation's income, putting a greater burden on the taxpayer); and personal, sensitive information regarding officers, inmate workers, and employees would be revealed. Little public good is derived from release of such information, in that the adequacy of the corporation's performance of duties can be discerned from other records which are public. Therefore, the public and private harm in releasing such information is substantially outweighed by the minimal public benefit derived therefrom.

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

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-332

House Bill No. 1163

An act relating to investment of public funds; amending ss. 125.01 and 166.021, F.S.; providing that entities that are funded by a county or municipality may be required by the county or municipality to conduct a performance audit; amending ss. 125.31, 166.261, 215.47, 218.345, 219.075, and 236.24, F.S.; authorizing investment of public funds in obligations of agencies or instrumentalities of the United States Government; providing an effective date.

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

Section 1. Paragraph (x) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(x) Employ an independent accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall there-

upon forward one complete copy of the audit report with accompanying documents to the Auditor General, who shall retain the same as a public record for 10 years from receipt thereof.

Section 2. Subsection (8) is added to section 166.021, Florida Statutes, to read:

166.021 Powers.—

(8) Entities that are funded wholly or in part by the municipality, at the discretion of the municipality, may be required by the municipality to conduct a performance audit paid for by the municipality. An entity shall not be considered as funded by the municipality by virtue of the fact that such entity utilizes the municipality to collect taxes, assessments, fees, or other revenue. If an independent special district receives municipal funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the municipality to undergo a performance audit.

Section 3. Paragraph (f) of subsection (1) of section 125.31, Florida Statutes, is amended to read:

125.31 Investment of surplus public funds; regulations.—

(1) Unless otherwise authorized by law or by ordinance, the board of county commissioners shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(f) Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to ~~United States Government~~ obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 4. Paragraph (f) of subsection (1) of section 166.261, Florida Statutes, is amended to read:

166.261 Municipalities; investments.—

(1) Unless otherwise authorized by law or by ordinance, the governing body of each municipality shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(f) Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to ~~United States Government~~ obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 5. Paragraph (o) of subsection (1) of section 215.47, Florida Statutes, is amended to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(1) Without limitation in:

(o) Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to ~~United States Government~~ obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 6. Paragraph (e) of subsection (1) of section 218.345, Florida Statutes, is amended to read:

218.345 Special districts; investments.—

(1) The governing body of each special district shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(e) Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to ~~United States Government~~ obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 7. Paragraph (a) of subsection (1) of section 219.075, Florida Statutes, is amended to read:

219.075 Investment of surplus funds by county officers.—

(1)(a) Except when another procedure is prescribed by law or by ordinance as to particular funds, a tax collector or any other county officer having, receiving, or collecting any money, either for his office or on behalf of and subject to subsequent distribution to another officer of state or local government, while such money is surplus to current needs of his office or is pending distribution, shall invest such money, without limitation, in:

1. The Local Government Surplus Funds Trust Fund, as created by s. 218.405;
2. Bonds, notes, or other obligations of the United States guaranteed by the United States or for which the credit of the United States is pledged for the payment of the principal and interest or dividends;

3. Interest-bearing time deposits or savings accounts in banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law; or

4. Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to ~~United States Government~~ obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 8. Paragraph (a) of subsection (2) of section 236.24, Florida Statutes, is amended to read:

236.24 Sources of district school fund.—

(2)(a) Unless otherwise authorized by law or by ordinance, each school board shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

1. The Local Government Surplus Funds Trust Fund;

2. Negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then prevailing market price for such securities;

3. Interest-bearing time deposits or savings accounts in banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law;

4. Obligations of the federal farm credit banks; the Federal Home Loan Mortgage Corporation, including Federal Home Loan Mortgage Corporation participation certificates; or the Federal Home Loan Bank or its district banks or obligations guaranteed by the Government National Mortgage Association;

5. Obligations of the Federal National Mortgage Association, including Federal National Mortgage Association participation certificates and mortgage pass-through certificates guaranteed by the Federal National Mortgage Association; or

6. Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to ~~United States Government~~ obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided such investment

company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 9. This act shall take effect January 1, 1995.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-333

Committee Substitute for House Bill No. 1257

An act relating to competitive bidding for government services; providing definitions; providing for membership, meetings, duties, and powers of the State Council on Competitive Government; requiring the council to consider certain cost comparison and contract considerations; requiring cooperation of state agencies; exempting certain contracts and decisions of the council from certain state purchasing requirements; providing that certain contracts are contingent upon specific appropriation by law and must contain notice of such in their text; providing for public access to meetings and records of the council; creating a task force on leasing; providing membership; requiring a study of the state's real property lease-procurement process; requiring a report; amending s. 255.25, F.S.; requiring each agency to monitor market conditions and to initiate negotiations for each lease held in the private sector; authorizing modifications of leases; providing an effective date.

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

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

(a) "Commercial activity" means an activity that provides a product or service that is commonly available from a private source.

(b) "Council" means the State Council on Competitive Government.

(c) "Identified state service" means a service provided by the state that the council has identified as a commercially available service and brought under study by the council to determine whether the service may be better provided through competition with private sources.

(2) STATE COUNCIL ON COMPETITIVE GOVERNMENT.—The State Council on Competitive Government is established. It is the policy of this state that all state services be performed in the most effective and efficient manner in order to be the best value to the public, and the state recognizes that competition among service providers may improve the quality of service provided. The council shall encourage competition, innovation, and creativity among service providers.

(3) MEMBERSHIP.—The council shall consist of the Governor and Cabinet. The Governor shall be presiding officer of the council.

(4) MEETINGS.—The council shall meet as often as necessary to perform its duties. In performing its duties, the council shall follow the rules and procedures, and use the staff, of the Administration Commission.

(5) DUTIES.—The council shall identify commercially available services currently being performed by state agencies and, if the council determines that such services may be better provided through competition with private sources or other state agency service providers, shall require a state agency to engage in any process, including competitive bidding, developed by the council to provide the service in competition with private sources or other state agency service providers.

(6) POWERS.—In performing its duties under this section, the council may:

(a) Adopt rules governing any aspect of the council's duties or responsibilities.

(b) Hold public hearings or conduct studies.

(c) Consult with private sources or state agencies that provide services.

(d) Require a state agency to conduct an agency in-house cost estimate, a management study, or any other hearing, study, review, or cost estimate concerning any aspect of an identified state service.

(e) Develop and require for use by state agencies methods to accurately and fairly estimate and account for the cost of providing an identified state service.

(f) Require that an identified state service be submitted to competitive bidding or another process that creates competition with private sources.

(g) Prescribe, in consultation with affected state agencies, the specifications and conditions of purchase procedures that must be followed by a state agency or a private source engaged in competitive bidding to provide an identified state service.

(h) Award a contract to a state agency currently providing the service, another state agency, a private source, or any combination of such entities, if the bidder presents the best and most reasonable bid, which is not necessarily the lowest bid.

(i) Determine the terms and conditions of a contract for service or interagency contract to provide an identified state service or other commercially available service.

(j) Require each bidder to provide a minimum level of health insurance coverage for employees, including optional family coverage, whether employer-paid or employee-paid, or a combination thereof.

(k) Require the agency to encourage state employees to organize and submit a bid for the identified service.

(7) COST COMPARISON AND CONTRACT CONSIDERATIONS.—In comparisons of the cost of providing a service, the council must consider the cost of supervising the work of any private contractor. All bids or contracts must include an analysis of health care benefits, retirement, and workers' compensation insurance for employees of the contractor which are reasonably comparable to those provided by the state. The council must also consider the total cost to the agency of such agency's performance of a service, such total cost to include all indirect costs related to that agency and including costs of such agencies as the Comptroller, the Treasurer, the Attorney General, and other such support agencies.

(8) DUTIES OF AFFECTED STATE AGENCIES.—A state agency shall perform any activities required by the council in the performance of its duties or the exercise of its powers under this section.

(9) EXEMPTION.—Contracts entered into by the council and decisions regarding whether an agency shall engage in competitive bidding are exempt from all laws of the state regulating or limiting state purchasing and purchasing decisions.

(10) A contract entered into pursuant to this section constitutes an executive branch recommendation only and shall not take effect until a specific appropriation is provided by law to fund such contract. In addition, all contracts entered into by executive branch agencies pursuant to this section shall state in their text that their effect is contingent upon a specific appropriation by law.

(11) OPEN MEETINGS AND OPEN RECORDS LAWS.—The meetings and records of the council are subject to the provision of sections 119.07 and 286.011, Florida Statutes.

Section 2. Task force created.—There is created the Real Property Lease-Procurement Task Force.

(1) The activities of the task force shall be coordinated by the Department of Management Services, and the task force shall be composed of five members: one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, and three members appointed by the Governor. The Governor shall designate one member to serve as chair. Members of the task force shall receive no salary for their service on the task force but are entitled to receive travel and per diem under section 112.061, Florida Statutes.

(2) The task force shall meet as soon as is practicable after the members are appointed and shall meet as often as is necessary at the call of the chair. The Department of Management Services shall provide administrative and staff support to the task force. The task force shall study the efficiency and effectiveness of the state's real property lease-procurement process. The study shall include, but is not limited to, a comparison of a centralized process to the current decentralized process to determine which is more efficient and cost effective; an examination of the current roles and performance of the Division of Facilities Management and other state agencies in the lease-procurement process; whether the development of a method for using market analysis in lease procurement would improve the efficiency and effectiveness of the process; whether the state should develop a mechanism for considering telecommuting in determining future office space needs; whether the Department of Management Services should develop a system for reviewing agencies' real property needs and conduct business case analyses for determining the most cost-effective alternative; and an examination of alternative methods of creating fixed capital outlay projects in order to more expeditiously meet agencies' needs to buy, build, or lease property.

(3) No later than December 1, 1994, the task force shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report of its findings and recommendations with respect to the efficiency and effectiveness of the real property lease-procurement program.

(4) This section expires December 31, 1994.

Section 3. Present paragraph (b) of subsection (1) of section 255.25, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection to read:

255.25 Approval required prior to construction or lease of buildings.—

(1)

(b) During the term of existing leases, each agency shall monitor market conditions and shall initiate negotiations for each lease held in the private sector to effect the best overall lease terms reasonably available to that agency. Amendments to leases may be permitted to modify any lease provisions or any other terms or conditions, except to the extent specifically prohibited by this chapter. The Department of Management Services shall serve as a mediator in lease renegotiations if the agency and the lessor are unable to reach a compromise within 6 months of renegotiation and if either the agency or lessor requests the Department of Management Services' intervention.

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

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-334

Committee Substitute for House Bill No. 1387

An act relating to traffic enforcement; amending s. 316.640, F.S.; revising authority of university police to enforce traffic laws; authorizing airport authority police and community college police to enforce traffic laws; defining traffic enforcement agencies for purposes of receiving traffic citations; providing an effective date.

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

Section 1. Subsection (1) of section 316.640, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Game and Fresh Water Fish Commission, the Division of Law Enforcement of the Department of Environmental Protection ~~Natural Resources~~, 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. University police officers shall have authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities which are

under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off campus when hot pursuit originates on campus. 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. 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 which are owned or operated by an airport authority.

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 s. 316.655.

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 work performance 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 s. 316.655.

(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.

(6) TRAFFIC ENFORCEMENT AGENCY.—Any agency or governmental entity designated in subsection (1), subsection (2), or subsection (3), including a university, a community college, or an airport authority, is a traffic enforcement agency for purposes of s. 316.650.

Section 2. This act shall take effect October 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-335

Committee Substitute for House Bill Nos. 1705 and 1781

An act relating to the Department of Agriculture and Consumer Services; amending s. 525.01, F.S., relating to the sale of petroleum fuel; deleting

requirement to file the name, brand, or trademark with the department; amending s. 525.035, F.S., to conform; amending s. 525.07, F.S.; providing requirements relating to operation and adjustment of petroleum fuel measuring devices; amending s. 525.08, F.S.; revising provisions relating to department access; amending s. 525.16, F.S.; revising penalties; amending ss. 527.02, 527.021, 527.06, 527.13, and 527.15, F.S., relating to regulation of the sale of liquefied petroleum gas; providing for deposit of moneys in the General Inspection Trust Fund; amending s. 570.02, F.S.; including seafood in the definition of "agriculture" for certain purposes; amending s. 570.07, F.S.; providing department responsibility for issuing information concerning food safety and for food recovery programs; renumbering provisions relating to advisory committees; creating s. 570.0725, F.S.; providing legislative intent and department functions relative to food recovery; amending s. 570.36, F.S., relating to animal disease diagnostic laboratories; amending ss. 570.23, 570.34, 570.38, 570.42, 570.541, 570.543, 571.28, 576.091, 580.151, 581.186, 582.06, 586.161, and 599.002, F.S.; correcting cross references; deleting obsolete language; amending s. 573.114, F.S.; providing for mitigation of problems of agricultural commodity producers; amending s. 578.08, F.S.; revising provisions relating to application of the Florida Seed Law; providing an effective date; providing for retroactive effect.

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

Section 1. Paragraph (a) of subsection (2) of section 525.01, Florida Statutes, is amended to read:

525.01 Gasoline and oil to be inspected.—

(2) All petroleum fuels shall be subject to inspection and analysis by the department. Before selling or offering for sale in this state any petroleum fuel, all manufacturers, wholesalers, and jobbers shall file with the department:

(a) An affidavit that they desire to do business in this state, and ~~shall furnish the name, brand, or trademark of the petroleum fuel which they desire to sell, together with~~ the name and address of the manufacturer of the petroleum fuel.

Section 2. Subsection (2) of section 525.035, Florida Statutes, is amended to read:

525.035 Mislabeled petroleum fuel.—

(2) Petroleum fuel is deemed to be mislabeled:

~~(a) If the measuring device of said product is labeled with a brand name not registered with the department;~~

~~(a)(b)~~ If the measuring device is labeled so as to misrepresent the product as to quality, content, or performance; or

~~(b)(e)~~ If the labeling on the measuring device is false or misleading in any particular.

Section 3. Subsection (3) of section 525.07, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

525.07 Powers and duties of department; inspections; unlawful acts.—

(3) All persons who own or operate a petroleum fuel measuring device shall be responsible for ensuring accurate measure by the device within the tolerances defined by the rule. An appropriate security seal shall be placed on all measuring devices found to be giving accurate measure within the tolerances defined by the department in such a way that the metering adjustment cannot be changed without breaking the seal.

(9) All persons and service agencies that adjust the accuracy of a petroleum fuel measuring device must use test measures that have been calibrated with standards traceable to the National Institute of Standards and Technology within 1 year prior to the date of the adjustment.

Section 4. Subsection (1) of section 525.08, Florida Statutes, is amended to read:

525.08 Department to have access to all stores, warehouses, factories, petroleum terminals, storage houses, and railroad depots.—

(1) In the performance of its duties, the department shall have free access during all reasonable hours to any store, warehouse, factory, petroleum terminal, storage house, or railway depot, where petroleum fuels are kept or otherwise stored, for the purpose of:

(a) Examination or inspection of petroleum measuring devices.

(b) Examination, inspection, and collection of samples of petroleum fuel.

(c) Examination or inspection of records and documents pertaining to distribution and sales of petroleum products, and drawing samples.

Section 5. Paragraph (a) of subsection (1) of section 525.16, Florida Statutes, is amended to read:

525.16 Administrative fine; penalties; prosecution of cases by state attorney.—

(1)(a) The department may enter an order imposing one or more of the following penalties against any person who violates any of the provisions of this chapter or the rules adopted under this chapter or impedes, obstructs, or hinders the department in the performance of its duty in connection with the provisions of this chapter:

1. Issuance of a warning letter.

2. Imposition of an administrative fine of not more than \$1,000 per violation for a first-time offender. For a second-time or repeat offender, or any person who is shown to have willfully and intentionally violated any provision of this chapter, the administrative fine shall not exceed \$5,000 per violation occurrence. When imposing any fine under this section, the department shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator benefited from by noncompliance, whether the violation was committed willfully, and the compliance record of the violator.

3. Revocation or suspension of any registration issued by the department.

Section 6. Subsection (5) of section 527.02, Florida Statutes, is amended to read:

527.02 License; penalty; fees.—

(5) All revenues collected herein shall be deposited in the General Inspection Insurance Commissioner's Regulatory Trust Fund for the purpose of administering the provisions of this chapter.

Section 7. Subsection (4) of section 527.021, Florida Statutes, is amended to read:

527.021 Registration of transport vehicles.—

(4) An inspection fee of \$50 shall be assessed for each registered vehicle inspected by the department pursuant to s. 527.061. All inspection fees collected in connection with this section shall be deposited in the General Inspection Insurance Commissioner's Regulatory Trust Fund for the purpose of administering the provisions of this chapter.

Section 8. Subsection (4) of section 527.06, Florida Statutes, is amended to read:

527.06 Rules.—

(4) Rules in substantial conformity with the published standards in Title 49 of the Code of Federal Regulations relative to liquefied petroleum gas pipelines shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Violation of any provision of the rules adopted pursuant to this subsection may be enjoined under the provisions of s. 527.09. Any person who violates any provision of the rules adopted pursuant to this subsection shall be subject to a civil penalty not to exceed \$1,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000, in aggregate, for any related series of violations. Any such civil penalty may be compromised by the department. In determining the amount of such penalty or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance after notification of a violation shall be considered. Each penalty shall be a lien upon the real and personal property of such person and enforceable by the department as statutory liens under chapter 85, the proceeds of which shall be deposited in the General Inspection Insurance Commissioner's Regulatory Trust Fund, as provided in s. 527.02.

Section 9. Subsection (3) of section 527.13, Florida Statutes, is amended to read:

527.13 Administrative fine.—

(3) All such fines, monetary penalties, and costs received by the department shall be deposited in the General Inspection Insurance Commissioner's Regulatory Trust Fund for the purpose of administering the provisions of this chapter as provided in s. 527.02(5).

Section 10. Section 527.15, Florida Statutes, is amended to read:

527.15 Conduct of proceedings; record costs.—The state's portion of the cost of the stenographic record and transcription of department proceedings shall be paid out of the General Inspection Insurance Commissioner's Regulatory Trust Fund provided for in s. 527.02(5). Any sums received from parties for copies of the

stenographic record shall be deposited by the department into the State Treasury to the credit of such regulatory trust fund.

Section 11. Subsection (1) of section 570.02, Florida Statutes, is amended to read:

570.02 Definitions of terms.—The following words and phrases as used in this chapter and in the agricultural laws of this state, unless the context otherwise requires, shall have the meanings respectively ascribed to them in this section:

(1) “Agriculture” means the science and art of production of plants and animals useful to man, including to a variable extent, the preparation of these products for man’s use and their disposal by marketing or otherwise, and includes shall include horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

Section 12. Subsection (21) of section 570.07, Florida Statutes, is amended, present subsections (33) and (34) are renumbered as section 570.0705, Florida Statutes, and amended, and a new subsection (33) is added to section 570.07, Florida Statutes, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(21) To declare an emergency when one exists in any matter pertaining to agriculture; and to make, adopt, and promulgate rules and issue orders which will be effective during the term of the emergency; and to issue or require to be issued food safety information, pertaining to the emergency, that is based on reliable scientific facts and reliable scientific data.

(33) To assist local volunteer and nonprofit organizations in soliciting, collecting, packaging, or delivering surplus fresh fruit and vegetables for distribution in accordance with s. 570.0725. The department also may coordinate the development of food recovery programs in the production areas of the state using local volunteer and nonprofit organizations.

570.0705 Advisory committees.—

~~(33)(a)~~ From time to time the commissioner may appoint any advisory committee to assist the department with its duties and responsibilities.

~~(1)(b)~~ An advisory committee may exist for no more than 3 years, but may be reestablished as necessary.

~~(2)(c)~~ Each person serving on an advisory committee shall serve at the pleasure of the commissioner.

~~(4)(d)~~ On January 1 of each year the commissioner shall submit to the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives a list of each advisory committee established in the department.

~~(4)(e)~~ Each advisory committee, whether created by the commissioner or the Legislature, including technical councils, shall be governed by the following provisions, in addition to those specified for that committee:

~~(a)1.~~ Composition.—Membership and appointments of advisory committees shall be made by the commissioner in accordance with the criteria set forth in the provisions establishing the committee.

~~(b)2.~~ Powers and duties.—Each advisory committee shall have the power and duty to:

~~1.a.~~ Consider and study the entire field relating to its area of responsibility.

~~2.b.~~ Consider all matters submitted to it by the commissioner or the division directors.

~~3.c.~~ Submit proposed legislation and rules to the commissioner.

~~4.d.~~ Advise and consult with the commissioner and the division directors of the department, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to its area of responsibility.

~~5.e.~~ Suggest policies and practices for the conduct of departmental business which shall be duly considered by the commissioner or division directors.

~~(5)(34)~~ The advisory committee shall meet at least annually and elect a chairman, a vice chairman, and a secretary for 1-year terms.

~~(6)(a)~~ Each advisory committee shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the department, or at the times prescribed by its rules of procedure.

~~(7)(b)~~ The department shall provide administrative and staff support services to the committee council and shall provide suitable space in the offices of the department for the meetings and records of the committee council.

~~(8)(c)~~ In conducting its meetings, each advisory committee shall use accepted rules of procedure. The secretary shall keep a complete record of the proceedings of each meeting, which shall show the names of the members present and the actions taken. These records shall be kept on file with the department, and records and other documents about matters within the jurisdiction of the advisory committee shall be subject to inspection by the members of the advisory committee.

~~(9)(d)~~ A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.

~~(10)(e)~~ Members of each advisory committee shall receive no compensation for their services, but shall be entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 13. Section 570.0725, Florida Statutes, is created to read:

570.0725 Food recovery; legislative intent; department functions.—

(1) The Legislature finds that:

(a) Millions of pounds of surplus and slightly blemished fresh fruit and vegetables are destroyed each year, while many Florida citizens go each day without food.

(b) Food recovery programs can beneficially aid Florida residents who lack the means to purchase fresh fruit and vegetables by providing such food to government agencies and local volunteer and nonprofit organizations for distribution to those in need, rather than continuing to destroy surplus food.

(c) The state, through the Commissioner of Agriculture, should assist food recovery programs, when needed, to aid in their establishment and to support their continued and efficient operation.

(2) A food recovery program is a local volunteer-based organization near an agricultural production area of the state that is established for the exclusive purpose of soliciting, collecting, packaging, and delivering surplus fresh fruit and vegetables for distribution in communities throughout the state. Distribution of the food to the needy would be accomplished by government agencies and volunteer and nonprofit organizations.

(3) In helping to coordinate the establishment of food recovery programs, the department may:

(a) Identify suppliers, volunteers, and nonprofit organizations in the community to ascertain the level of interest in establishing a food recovery program.

(b) Provide facilities and other resources for initial organizational meetings.

(c) Provide direct and indirect support for the fledgling program, upon demonstration of serious interest at the local level.

(4) The department may provide direct and indirect support to food recovery programs that are unable to obtain specific assistance from their communities or other sources by loaning equipment, facilities, and staff resources for the collection, packaging, storage, and transportation of donated food, as needed.

(5) The department shall account for the direct and indirect costs associated with supporting food recovery programs throughout the state. It shall submit a report to the Speaker of the House of Representatives and the President of the Senate by November 1, for the previous fiscal year, when state funds are spent for this purpose. Such report shall include, but not be limited to, the identity of organizations receiving funds, the amount of funds disbursed to these organizations, other uses of food recovery funds, and estimates of the amount of fresh produce recovered.

Section 14. Subsection (2) of section 570.23, Florida Statutes, is amended to read:

570.23 State Agricultural Advisory Council.—

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the State Agricultural Advisory Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(3)~~ relating to advisory committees established within the department.

Section 15. Subsection (2) of section 570.34, Florida Statutes, is amended to read:

570.34 Plant Industry Technical Council.—

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Plant Industry Technical Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(3)~~ relating to advisory committees established within the department.

Section 16. Subsection (5) of section 570.36, Florida Statutes, is amended to read:

570.36 Division of Animal Industry; powers and duties.—The duties of the Division of Animal Industry include, but are not limited to:

(5) Operating and managing the large animal ~~and poultry~~ disease diagnostic laboratories provided for in chapter 585.

Section 17. Subsection (2) of section 570.38, Florida Statutes, is amended to read:

570.38 Animal Industry Technical Council.—

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Animal Industry Technical Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 18. Subsection (2) of section 570.42, Florida Statutes, is amended to read:

570.42 Dairy Industry Technical Council.—

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Dairy Industry Technical Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 19. Paragraph (c) of subsection (2) of section 570.541, Florida Statutes, is amended to read:

570.541 Racing quarter horses; Racing Quarter Horse Advisory Council.—

(2) RACING QUARTER HORSE ADVISORY COUNCIL; CREATION; COMPOSITION; POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—

(c) The meetings, powers and duties, procedures, and recordkeeping of the Racing Quarter Horse Advisory Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 20. Subsection (2) of section 570.543, Florida Statutes, is amended to read:

570.543 Florida Consumers' Council.—The Florida Consumers' Council in the department is created to advise and assist the department in carrying out its duties.

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Florida Consumers' Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department. The council members or chairman may call no more than two meetings.

Section 21. Subsection (2) of section 571.28, Florida Statutes, is amended to read:

571.28 Florida Agricultural Promotional Campaign Advisory Council.—

(2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Florida Agricultural Promotional Campaign Advisory Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 22. Subsection (6) of section 573.114, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to said section to read:

573.114 Possible subjects of marketing orders.—Subject to the legislative restrictions and limitations set forth herein, any marketing order issued by the department may contain any or all of the following provisions:

(6) Provisions for mitigating problems of agricultural commodity producers, including, without limitation, production, labor, water, and environmental problems. After receiving the advice and recommendation of the appropriate agricultural advisory council, the department may expend assessment funds collected from the affected commodity group for use by that group in mitigating a specific problem.

Section 23. Subsection (2) of section 576.091, Florida Statutes, is amended to read:

576.091 Fertilizer Technical Council.—

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Fertilizer Technical Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 24. Subsection (4) of section 578.08, Florida Statutes, is amended to read:

578.08 Registrations.—

(4) The provisions of this chapter shall not apply to farmers who sell only uncleaned, unprocessed, unpackaged, and unlabeled seed, but shall apply to farmers who sell cleaned, processed, packaged, and labeled seed in amounts in excess of \$10,000 in any one year.

Section 25. Subsection (2) of section 580.151, Florida Statutes, is amended to read:

580.151 Commercial Feed Technical Council.—

(2) POWERS AND DUTIES; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and recordkeeping of the Commercial Feed Technical Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 26. Subsection (2) of section 581.186, Florida Statutes, is amended to read:

581.186 Endangered Plant Advisory Council; organization; meetings; powers and duties.—

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Endangered Plant Advisory Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 27. Subsection (2) of section 582.06, Florida Statutes, is amended to read:

582.06 Soil and Water Conservation Council; powers and duties.—

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and record-keeping of the Soil and Water Conservation Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

Section 28. Subsection (3) of section 586.161, Florida Statutes, is amended to read:

586.161 Honeybee Technical Council.—

(3) MEETINGS; POWERS, AND DUTIES; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers, and duties, procedures, and record-keeping of the Honeybee Technical Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~; relating to advisory committees established within the department.

Section 29. Subsections (2) and (4) of section 599.002, Florida Statutes, are amended to read:

599.002 Viticulture Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Viticulture Advisory Council, to consist of eight members as follows: the president of the Florida Grape Growers' Association or a designee thereof; the chairman of the State Agricultural Advisory Council or a designee thereof; a representative from the Institute of Food and Agricultural Sciences; a representative from the viticultural science program at Florida Agricultural and Mechanical University; and four additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nurseryman.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Viticulture Advisory Council, and per diem and reimbursement of expenses of council members, shall be governed by the provisions of s. 570.0705 ~~570.07(33)~~ relating to advisory committees established within the department.

(3) The primary responsibilities of the Viticulture Advisory Council are to provide necessary assistance, review, and recommendations for drafting the State Viticulture Plan.

~~(4) This section is repealed on October 1, 1994, and the Viticulture Advisory Council shall be reviewed by the Legislature pursuant to s. 11.611.~~

Section 30. This act shall take effect upon becoming a law; provided that, if this act becomes a law after March 1, 1994, the amendments to sections 527.02, 527.021, 527.06, 527.13, and 527.15, Florida Statutes, shall operate retroactively to March 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-336

Committee Substitute for House Bill No. 1741

An act relating to condominiums; creating s. 73.073, F.S.; providing a special procedure with respect to condominium common elements subject to eminent domain; providing legislative intent; amending s. 718.111, F.S.; authorizing a condominium association to convey a portion of the common elements to a condemning authority for certain purposes; amending s. 718.112, F.S.; providing an additional required provision in condominium bylaws; providing an effective date.

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

Section 1. Section 73.073, Florida Statutes, is created to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(1) Any other provision of this chapter or any other provision of the Florida Statutes to the contrary notwithstanding, the procedure for the exercise of eminent domain with respect to the taking of a portion of the common elements of a condominium shall comply with the provisions of this section.

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

- (a) The name and address of the condemning authority.
- (b) A written or visual description of the property.
- (c) The public purpose for which the property is needed.
- (d) The appraisal value of the property.
- (e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.
- (f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

(3) In the absence of a response by the unit owner within 30 days, the unit owner shall be deemed to have acquiesced to the association acting as the unit owner's representative in any subsequent proceeding relating to the parcel at issue. Unit owners who object to the purchase or taking or the appraisal of value within 30 days after the date the notice is received shall have all of their legal rights preserved with regard to the taking, the appraisal of value, and all other rights which appertain to unit ownership. Failure to raise an objection within the 30-day period shall only constitute an acquiescence by the unit owner to the association acting as the unit owner's representative in any subsequent proceeding relating to the parcel at issue and shall not affect any other rights of the unit owner. In the event that no unit owners shall so object, the condemning authority may rely upon a power of sale vested in the condominium association. The condemning authority shall only be required to name as defendants, should eminent domain proceedings be necessitated, the association and those owners of units which shall have objected to the taking or appraisal value within the 30-day period.

(4) It is the intent of the Legislature, through the adoption of this section, to provide a mechanism to either eliminate or minimize the necessity for naming individual unit owners in eminent domain proceedings for the acquisition of a portion of the common elements of a condominium and the necessity of incidental title searches and legal actions necessitated by naming multiple unit owners as defendants.

Section 2. Subsection (7) of section 718.111, Florida Statutes, is amended to read:

718.111 The association.—

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, lease, or mortgage association real property except in the manner provided in the declaration, and if the declaration

does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(b) Subject to the provisions of s. 718.112(2)(n), the association, through its board, has the limited power to convey a portion of the common elements to a condemning authority for the purposes of providing utility easements, right-of-way expansion, or other public purposes, whether negotiated or as a result of eminent domain proceedings.

Section 3. Paragraph (n) is added to subsection (2) of section 718.112, Florida Statutes, to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(n) Common elements; limited power to convey.—

1. With respect to condominiums created on or after October 1, 1994, the bylaws shall include a provision granting the association a limited power to convey a portion of the common elements to a condemning authority for the purpose of providing utility easements, right-of-way expansion, or other public purposes, whether negotiated or as a result of eminent domain proceedings.

2. In any case where the bylaws are silent as to the association's power to convey common elements as described in subparagraph 1., the bylaws shall be deemed to include the provision described in subparagraph 1.

Section 4. This act shall take effect October 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-337

Committee Substitute for House Bill No. 1789

An act relating to real estate brokers, salespersons, and schools; amending s. 475.01, F.S.; defining terms applicable to the regulation of real estate brokers, salespersons, and schools; amending s. 475.011, F.S.; providing an exemption from such regulation relating to the rental, for transient occupancy, of public lodging establishments; amending s. 475.25, F.S.; revising a ground for disciplinary and other action relating to certain required notice and consent with respect to a sale, exchange, purchase, or lease of real property or any interest in real property; reenacting ss. 475.181(2), 475.482(1)(b), and 475.483(1)(a), F.S., relating to licensure and the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.182, F.S.; modifying continuing education requirements for renewal of a license as a real estate broker, broker-salesperson, or salesperson; providing an effective date.

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

Section 1. Paragraphs (i), (j), (k), (l), (m), and (n) are added to subsection (1) of section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(1) As used in this part:

(i) "Fiduciary" means a broker in a relationship of trust and confidence between that broker as agent and the seller or buyer as principal. The duties of the broker as a fiduciary are loyalty, confidentiality, obedience, full disclosure, and accounting and the duty to use skill, care, and diligence.

(j) "Disclosed dual agent" means a broker who works as an agent for both the buyer and seller. The broker must obtain the informed consent in writing of all parties to the transaction to be a disclosed dual agent. The disclosed dual agent has all the duties of a fiduciary except full disclosure between the buyer and seller.

(k) "Transaction broker" means a broker who facilitates a brokerage transaction between a buyer and a seller. The transaction broker does not affirmatively represent either the buyer or seller as an agent, and no fiduciary duties exist except for the duty of accounting and the duty to use skill, care, and diligence. However, the transaction broker shall treat the buyer and seller with honesty and fairness and shall disclose all known facts materially affecting the value of the property in residential transactions to both the buyer and seller. The broker's role as a transaction broker must be fully disclosed in writing to the buyer and seller.

(l) "Single agent" means a broker who represents, as a fiduciary, either the buyer or seller but not both in the same transaction.

(m) "Buyer" means a transferee or lessee in a real property transaction and includes a person who executes an offer to purchase or lease real property from a seller.

(n) "Seller" means the transferor or lessor in a real property transaction and includes an owner who lists real property for sale or lease with a broker, whether or not a purchase agreement or lease results, or who receives an offer to purchase or lease real property.

Section 2. Subsection (11) is added to section 475.011, Florida Statutes, to read:

475.011 Exemptions.—This part does not apply to:

(11) Any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration, rents or advertises for rent, for transient occupancy, any public lodging establishment licensed under chapter 509.

Section 3. Paragraph (q) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years;

may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(q)1. Has failed in a single agency to give written notice to all parties a party to a sale, exchange, purchase, or lease of real property or any interest in real property, revealing the party or parties for whom the licensee is an agent before such party has signed any contractual offer or lease agreement related to the transaction, that he is an agent, employee, independent contractor, or representative of another party in the negotiation of such sale, exchange, purchase, or lease. Disclosure to the party for whom the licensee is an agent must be made at or before the time an agreement for representation is entered into. Disclosure to the party for whom the licensee is not an agent must be made at the time of the first substantive contact.

2. Has failed in a dual agency to obtain the informed written consent of all parties to a sale, exchange, purchase, or lease of real property or any interest in real property that the licensee intends to operate as a disclosed dual agent. Unless all parties to the transaction grant their written informed consent prior to or at the time of formalization of the dual agency by the licensee, the licensee shall be deemed to be an undisclosed dual agent. The licensee must inform all parties that the licensee is acting as agent for all parties and of the effect of dual agency, including, but not limited to, the fact that, by consenting to the dual agency relationship, the parties are giving up their rights to the undivided loyalty of the licensee, as required by the rules of the commission. When single agency exists, the licensee may change to a disclosed dual agent by making full written disclosure to and obtaining the informed written consent of all parties. A disclosed dual agent may not disclose among other items:

a. To the buyer that the seller will accept a price less than the asking or listed price, unless otherwise instructed in writing by the seller;

b. To the seller that the buyer will pay a price greater than the price submitted in a written offer to the seller, unless otherwise instructed in writing by the buyer;

c. The motivation of any party for selling, buying, or leasing a property, unless otherwise instructed in writing by the respective party; or

d. That a seller or buyer will agree to financing terms other than those offered.

3. Has failed in a transaction brokerage capacity to give written notice to all parties to a sale, exchange, purchase, or lease of real property or an interest in real property prior to or at the time of the licensee becoming a transaction broker or first substantive contact, whichever occurs first, of the licensee's role as a transaction broker. Unless the buyer and seller are given written notice prior to the licensee's acting in a transaction brokerage capacity, the licensee is deemed to be an agent of the buyer or seller, or both. The licensee shall treat the buyer and seller honestly and fairly and shall disclose all known facts materially affecting the value of the property in residential transactions to both the buyer and the seller.

For the purposes of this paragraph, the payment or promise of payment of compensation to a licensee does not determine whether an agency or transactional brokerage relationship has been created between any licensee and a seller, landlord,

buyer, or tenant. The commission shall implement this paragraph provision by rule. The Commission shall define by rule forms for agency disclosure. The forms provided for in this rule shall be written in plain language and shall provide to the buyer or seller or both, as appropriate, an explanation of the agency relationships and shall offer the buyer or seller or both the explicit right to choose or refuse among these agency relationships.

Section 4. For the purpose of incorporating the amendment to section 475.25, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

475.181 Licensure.—

(2) The commission shall certify for licensure any applicant who satisfies the requirements of ss. 475.17 and 475.175. The commission may refuse to certify any applicant who has violated any of the provisions of s. 475.42 or who is subject to discipline under s. 475.25. The application shall expire 1 year from the date received if the applicant fails to take the appropriate examination.

475.482 Real Estate Recovery Fund.—There is created the Florida Real Estate Recovery Fund as a separate account in the Professional Regulation Trust Fund.

(1) The Florida Real Estate Recovery Fund shall be disbursed as provided in s. 475.484, on order of the commission, as reimbursement to any person or corporation adjudged by a court of competent jurisdiction to have suffered monetary damages by reason of any of the following acts committed as a part of any real estate brokerage transaction involving real property in this state by any broker or salesperson who was licensed under the provisions of this chapter at the time the alleged act was committed:

(b) Obtaining money or property by fraud, misrepresentation, deceit, false pretenses, artifice, or trickery or by any other act which would constitute a violation proscribed in s. 475.25.

475.483 Conditions for recovery; eligibility.—

(1) Any person is eligible to seek recovery from the Real Estate Recovery Fund if:

(a) Such person has received final judgment in a court of competent jurisdiction in this state in any action wherein the cause of action was based on a real estate brokerage transaction or any violation proscribed in s. 475.25; however, if such person is unable to secure a final judgment against a licensee due to the death of the licensee, the commission may waive the requirement for a final judgment;

Section 5. Subsection (1) of section 475.182, Florida Statutes, is amended to read:

475.182 Renewal of license; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and fee. The renewal application for an active license as broker, broker-salesperson, or salesperson shall include proof satisfactory to the commission that the licensee has, since the issuance or renewal of his current license, satisfactorily completed at least 14 classroom hours of 50 minutes each of a continuing education course during each biennium, as prescribed by the commission. The commission may accept as a substitute for such continuing education course, on a classroom-

hour-for-classroom-hour basis, any satisfactorily completed education course that the commission finds is adequate to educate licensees within the intent of this section. However, the commission may not require, for the purpose of satisfactorily completing an approved correspondence course, a written examination that is to be taken at a centralized location and is to be monitored.

Section 6. This act shall take effect October 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-338

Committee Substitute for Committee Substitute for House Bill No. 1875

An act relating to tourism, sports, and entertainment; providing for the creation and establishment of multi-jurisdictional tourism, sports and entertainment independent special districts; providing legislative findings, policy, intent, declaration and purpose; providing definitions; providing for district requirements in order to qualify for establishment; providing for the purpose of such districts; providing for the election of the board of supervisors; providing for a district manager, treasurer and other officers; providing for the preparation of the districts' budgets and public facilities reports; providing for district elections; providing for general statements of policy to be adopted by ordinance; providing that a stockholder, officer, or employee of a landowner may be a member of the district's board of supervisors or an officer or employee of the district; providing for powers and duties; providing for a transportation system, a water supply and management system, a sewer and wastewater system, a solid waste collection system, and a mosquito and pest control program; providing for police and fire protection within the districts; providing for district governance procedures; providing for the employment of staff and consultants; providing for the acceptance of gifts; providing for the incurring of debt; providing for fees, rates, tolls, and other charges; providing for limited eminent domain authority; providing for ad valorem taxes and special assessments; providing for discretionary sales surtaxes; providing for investment authority; providing for permits and exclusive and nonexclusive franchises; providing for mandatory use of certain district facilities and services; providing for annexation and contraction of districts' boundaries; providing for the adoption of land development and environmental regulations; providing procedures and criteria for granting exclusive and nonexclusive franchises and authorizing fees for franchises; providing for bonding authority; providing for the levying, assessment and enforcement of ad valorem taxes and special assessments; providing for tax liens; providing for the foreclosure of tax liens; providing for the issuance of certificates of indebtedness and assessment bonds; providing for the payment of taxes and the redemption of tax liens; providing for an exemption from taxes; providing for contracting authority and exemp-

tions from certain requirements; providing for the sale and lease of property; providing for liability for torts to a certain extent; providing for dissolution of the districts; providing intent with respect to tax recapture provisions; providing for district records; providing for the establishment of a district in Dade and Broward counties and the City of Miramar and its boundaries; providing definitions applicable to said district; providing for dissolution of said district; providing for powers, duties and limitations of said district; providing for payment in lieu of taxes and assessments; providing for service to out-parcels of said district; providing for future amendments; providing for liberal construction; providing for severability; providing for a regional-impact planning area and management program; providing for consideration of off-site impacts; amending s. 288.1162, F.S., relating to professional sports and spring training franchises; providing that an applicant may not qualify for certification under certain circumstances; providing an exception; amending s. 212.20, F.S.; clarifying distribution of tax proceeds; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional tax to finance the construction, reconstruction, or renovation of a facility for a new professional sports franchise; prohibiting a county that imposes such a tax from expending ad valorem tax revenues for such facility; providing an effective date.

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

Section 1. Short title.—This act shall be known and may be cited as the “Multi-Jurisdictional Tourism, Sports and Entertainment Special District Act.”

Section 2. Legislative findings, policy, intent, declaration and purpose.—

(1) The Legislature finds that:

(a) Certain counties in the State of Florida are substantially dependent on the tourism industry and have a need to enhance, improve and attract new and comprehensive tourism oriented facilities. Certain of these counties have or may have major sports facilities and/or host major sports events which, with proper availability of lands, could be developed into large scale sports and entertainment facilities or other attractions to both attract visitors to these tourist oriented counties and to keep within these counties such visitors, with additional family members, for extended visits so as to increase the tourist base and length of tourist stay in those counties that are economically dependent upon that industry.

(b) Such large scale tourism oriented, sports and entertainment districts may be subject to multiple governmental jurisdictions and, therefore may be in need of a unified and stable governance mechanism and adequate funding devices so as to provide for the continued and long term development and operation of district facilities. In these circumstances, there does not presently exist an adequate legal framework whereby multi-jurisdictional projects with the goals set forth herein can be established, constructed, maintained, and governed in an organized, unified and stable fashion.

(c) Such sports and entertainment districts will, in general, enhance the welfare of all Floridians and will, in particular, increase tourism; provide for economic development including new jobs; attract and retain sports and entertainment events that can be sources of legitimate and substantial revenues for state and local

governments and add immeasurably to the quality of life and economy available in such Florida counties dependent on tourism and thus serve a public purpose.

(d) It is in the public interest and serves a public purpose that there be established a reasonable alternative form of multi-jurisdictional independent special district as a means to timely, efficiently, effectively, responsively, and economically provide certain services and facilities necessary for the development of large scale tourism oriented sports and entertainment districts consistent with all state and local environmental regulations.

(e) It is also in the public interest that the operation of such a district and the exercise by the district of its powers be consistent with applicable disclosure, accountability, ethics and government in the sunshine requirements which apply both to governmental entities and to their elected and appointed officials.

(f) Although the creation of the district is in the public interest and serves a public purpose, this finding shall not be applicable to any necessary determinations concerning public interest that are required by statute or rules relating to environmental regulatory requirements or uses of state-owned lands.

(2) Based upon these findings, it is the policy of the state that the creation, establishment and operation of multi-jurisdictional tourism, sports and entertainment districts in order to plan, construct, implement, operate, maintain, promote and finance tourism, sports and entertainment districts and related amenities and infrastructure, and limited supporting residential, commercial and industrial facilities and related amenities, as more fully set forth herein, serve an essential and paramount public purpose. The existence of these multi-jurisdictional districts further implements key provisions of the state comprehensive plan and assists in the protection and promotion of the health, safety and welfare of the citizens of this state.

(3) It is the legislative intent and purpose, based upon and consistent with these findings of fact and declaration of policy, to authorize a uniform procedure to establish a multi-jurisdictional independent special district. It is also the legislative intent and purpose that a district created under this act not have or exercise any environmental regulatory powers, that the establishment of a multi-jurisdictional tourism, sports and entertainment district not be a development order within the meaning of chapter 380, Florida Statutes, and that the multi-jurisdictional tourism, sports, and entertainment district not have casino or pari-mutuel gaming. It is further the intent and purpose of the Legislature that no debt or obligation of such a district constitute a debt of any local general-purpose government or the state.

Section 3. Definitions.—As used in this act, the term:

(1) "Ad valorem tax" means a tax based upon the value of property as determined by the applicable property appraiser.

(2) "Applicable local general-purpose government" means each local general-purpose government in which any portion of a district is situated.

(3) "Assessable improvements" means, without limitation, any and all public improvements and facilities that the district has or will provide in accordance with this act.

(4) "Assessment bonds" means special obligations of the district, which are payable primarily from proceeds of the special assessments levied for an assessable project.

(5) "Board" or "Board of Supervisors" means the governing body of a district or, if such board has been abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given to the board by this act have been given by law.

(6) "Bond" includes any general obligation bond, assessment bond, refunding bond, revenue bond, note, or other such obligation in the nature of a bond as is provided for in this act.

(7) "Cost", when used with reference to any project, includes, but is not limited to:

(a) The expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction.

(b) The cost of surveys, estimates, plans, and specifications.

(c) The cost of improvements.

(d) Engineering, fiscal, and legal expenses and charges.

(e) The cost of all labor, materials, machinery, and equipment.

(f) The cost of all lands, properties, rights, easements, and franchises acquired.

(g) Financing charges.

(h) The creation of initial reserve and debt service funds.

(i) Working capital.

(j) Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine.

(k) The cost of issuance of bonds pursuant to this act, including advertisements and printing.

(l) The cost of any election held pursuant to this act and all other expenses of issuance of bonds.

(m) The discount, if any, on the sale or exchange of bonds.

(n) Administrative expenses.

(o) Such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project or to the financing thereof, or to the development of any lands within the district.

(p) Payments, contributions, dedications, and any other exactions required as a condition to receive any government approval or permit necessary to accomplish any district purpose.

(8) "District" means a district authorized to be created under this act and established by an establishing act.

(9) "Establishing act" means the portion of this act and each amendment to this act by general law that establishes a particular Multi-Jurisdictional Tourism, Sports and Entertainment Special District.

(10) "General obligation bonds" means bonds which are secured by, or provide for their payment by, the pledge, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the resolution authorizing their issuance, of the full faith and credit and taxing power of a district and for payment of which recourse may be had against the general fund of a district.

(11) "Landowner" means the owner of a freehold estate within a district as appears by the deed record, including an assignee, trustee, a private corporation, and an owner of a condominium unit. It does not include the district itself, a reversioner, remainderman, or mortgagee, who shall not be counted for purposes of elections or meetings of landowners.

(12) "Local general-purpose government" means a county, municipality, or consolidated city-county government.

(13) "Project" means any development, improvement, property, utility, facility, works, enterprise, or service undertaken or established under the provisions of this act or any establishing act.

(14) "Qualified elector" means any person at least 18 years of age who is a citizen of the United States, a legal resident of Florida and of the district, and who registers to vote with the supervisor of elections in a county in which the district is located.

(15) "Refunding bonds" means bonds issued to retire or refinance outstanding bonds of any type and the interest and redemption premium thereon.

(16) "Revenue bonds" means obligations of a district which are payable from revenues or other funds derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of a district, which revenue can include non-ad valorem special assessments, as well as rates, fees or other charges, set by the district under this act.

(17) "Special assessment," "non-ad valorem special assessment," "non-ad valorem assessment," "maintenance assessment," and "benefit assessment" and any similar term means the levy by the district of an assessment on property not based upon millage, but instead based upon an ascertained special benefit peculiar to the property, over and above any general community benefit, with the burden to pay for that benefit reasonably and fairly apportioned to each parcel of property levied, and which qualifies as a lien on property, including homestead property, under s. 4, Art. VII of the State Constitution.

(18) "Special assessment bond" or "assessment bond" means any bond, certificate of indebtedness or other obligation issued by the district and amortized by the levy of non-ad valorem special assessments.

(19) "Tourist" means any person whose permanent residence is at least 50 miles outside the boundaries of the special district or any person who lets or leases transient rental accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park, recreational vehi-

cle park, or condominium for a term of 6 months or less, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of chapter 212, Florida Statutes.

(20) "Tourism" means any activity which tourists participate in by no less than a 50 percent participation level in relation to the participation by other persons.

Section 4. Establishment of a district; charter.—

(1) The Legislature may, by general law, establish a Multi-Jurisdictional Tourism, Sports and Entertainment Special District within specified boundaries, with all of the powers, authority, duties and limitations as are set forth herein and in a district's establishing act. The establishing act for a specific Multi-Jurisdictional Tourism, Sports and Entertainment Special District may restrict, implement, define or otherwise modify, but may not expand, the general powers granted to that district by the terms hereof.

(2) The establishment of a district shall constitute a legislative determination that a specific district's establishment is consistent with the findings, policies, intents and purposes of this act.

(3) Each proposed district must, at the time of its establishment, meet all of the following requirements:

(a) It must be located, in whole or in part, in a county that is the site of a proposed or existing professional sports team, or a site of a proposed or existing sports facility, which team, event or facility attracts or is reasonably anticipated to attract attendance at the facility of over 100,000 people per year;

(b) The proposed district must be located, in whole or in part, in a county that is within a metropolitan statistical area ("MSA") or primary metropolitan statistical area ("PMSA") as determined by the United States Office of Management and Budget;

(c) It must be located, in whole or in part, in a county that contains over 100 hotels and motels licensed by the Florida Department of Business and Professional Regulation, Division of Hotels;

(d) It must be located, in whole or in part, in a county that had, during the previous year, net tourist development tax collections in excess of \$1,000,000, as determined by the Florida Department of Revenue, Office of Tax Research;

(e) The proposed district must be comprised of sufficiently contiguous property so as to be developable and operated as one functionally interrelated project, the boundaries of which either overlap, cross, or are within the jurisdictions of at least one county and another county or a county and a municipality or a consolidated city-county;

(f) The proposed district must be composed of at least one thousand (1,000) sufficiently contiguous acres of land under one ownership or under unified control established by appropriate legal documentation or authorization, which may include written consent to the establishment of the district from the landowners;

(g) A majority of the land within the district must be proposed to be developed in accordance with either a Development of Regional Impact, under the provisions of s. 380.06, Florida Statutes; or a Florida Quality Development, under the provisions of s. 380.061, Florida Statutes; and

(h) Each applicable local general-purpose government must have approved by ordinance the establishment of the district, provided, however, that this requirement shall not be applicable if the effectiveness of the establishing act is conditioned on subsequent approval by each applicable local general-purpose government.

(4) Except for the district created by this act, evidence of compliance with paragraphs (3)(a)-(h) of section 4 must be submitted to the Department of Community Affairs, Office of Special Districts Information Program, on or before December 1 prior to the legislative session in which the establishment of the district is proposed to occur, unless the establishing act is to be effective only after subsequent approval by each applicable local general-purpose government and such approval has been obtained. The evidence shall be sufficient if it includes the approval of the establishment of the district by each applicable local general-purpose government together with a finding in the approving ordinance that the criteria of paragraphs (3)(a)-(h) of section 4 have been satisfied to the extent such criteria are applicable to the specific applicable local general-purpose government. The Department of Community Affairs shall, within 14 days of receipt of this evidence, certify to the Speaker of the House and the President of the Senate whether or not the criteria for paragraphs (3)(a)-(h) of section 4 have been satisfied. If the establishing act is to be effective after the approval of the applicable local general-purpose government, then the local general-purpose government shall also make the necessary findings in paragraphs (3)(a)-(h) of section 4 as they are applicable to the specific applicable local general-purpose government making such findings. Certified copies of each local general-purpose government's approval shall be filed with the Office of Special District Information.

(5) This act and the establishing act for each district shall constitute the charter of each district. Each applicable local general-purpose government must, by resolution, approve any proposed change to the establishing act. No later than December 1, prior to the general legislative session in which the amendment is to be considered, an application to amend the establishing act must be filed with the Department of Community Affairs, together with evidence that the proposed amendment has been previously approved by the applicable local general-purpose governments. Any subsequent amendment to the establishing act for each district may be made only by law.

(6) Compliance with the requirements for establishment of a district shall not entitle any applicant to adoption of an establishing act with respect to the district. The Legislature reserves its unfettered discretion to approve or reject establishment of a proposed district.

Section 5. Purpose.—The purpose of a district shall be to finance, acquire, plan, design, develop, construct, own, operate, maintain, manage, improve, and promote, within the district, a tourism, sports and entertainment district and other related and supporting improvements, and to provide infrastructure, systems, facilities, services, and improvements needed for the construction, development and operation of such district, as more fully set forth in, and subject to the provisions of, this act.

Section 6. Board of Supervisors.—

(1) Each district shall be governed by a board of supervisors which shall exercise all powers granted to the district.

(2) The board of supervisors shall be composed of 5 members elected by the landowners of the district.

(3) Members of the board shall hold office for the terms for which they were elected or appointed or until their successors take office. If during a member's term of office, a vacancy occurs, the remaining members of the board shall fill the vacancy by appointment for the remainder of the unexpired term.

(4) The members of the board shall be residents of a county or municipality in which the district is located, citizens of the United States and at least 18 years of age.

(5) Three members of the board shall constitute a quorum and the affirmative vote of three members shall be necessary to pass any ordinance, resolution, or motion.

(6) The members of the board shall serve without compensation; however, each member of the board shall be entitled to travel and per diem expenses in accordance with the provisions of s. 112.061, Florida Statutes.

(7) A member of the board of supervisors may be removed with or without cause by majority vote of the landowners of the district. No board member shall be removed from office unless:

(a) Notice of the landowner's meeting at which such action is to be considered has been published at least 21 days in advance; and

(b) After the hearing, the landowners must, by majority vote, adopt a resolution approving said removal.

(8) The board shall, at the time of organizing and thereafter, annually, elect one of its members as chair of the board of supervisors for a term of 1 year or until a successor is elected. The chair shall preside at all meetings of the board. The board shall also elect one of its members as vice-chair to serve in the absence or disqualification of the chair. Should the chair and vice chair be absent at any meeting, any member of the board of supervisors may be designated chair pro-tempore for such meeting.

(9) All business of the board shall be conducted at regular or special meetings held within a county in which the district is located. The board shall by resolution establish the times of its regular meetings. All meetings shall, at a minimum, comply with the provisions of s. 189.417, Florida Statutes. Meetings shall be open to the public and subject to the provisions of chapter 286, Florida Statutes.

(10) Upon entering office, each member of the board shall take and subscribe to the oath of office as prescribed in s. 876.05, Florida Statutes.

Section 7. District manager.—The board shall appoint and fix the salary of a district manager who shall be the administrative head of the district under the direction and supervision of the board. The district manager may hire or otherwise employ and terminate the employment of such other persons, including without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of employees of the district shall be as provided by the board. The board shall require the district manager to obtain a bond, at the expense of the district, in such amount, and such terms, and with such sureties as is deemed satisfactory to the

board to secure the performance by the district manager of his or her powers and duties.

Section 8. District treasurer and officers, financial records, fiscal year.—

(1) The board shall appoint a treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the direction or pursuant to the resolution of the board by warrant or check signed by such person or persons as may be designated by the board. The board shall fix the salary of the treasurer and may give the treasurer such other or additional powers and duties as the board may deem appropriate. The board shall require the treasurer to obtain a bond, at the expense of the district, in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties.

(2) The board is authorized to appoint other officers of the district and to give to such officers such powers and duties as the board may deem appropriate. Each board member and officer must execute an oath and surety bond to the board of supervisors for the faithful performance of his or her duties in the sum of \$5,000 with a surety company qualified to do business in the state as a surety, which bond shall be approved and kept by the clerks of the circuit courts of any county in which the district is located. The premiums on said bonds shall be paid as part of the expenses of the district.

(3) The financial records of the district shall be audited by an independent certified public accountant at least once each year. The district shall comply with the provisions of s. 11.45, Florida Statutes, with respect to its audit.

(4) The board is authorized to select as a depository of funds any qualified public depository as defined in s. 280.02, Florida Statutes, which meets all the requirements of chapter 280, Florida Statutes, upon such terms and conditions as to the payment of interest by such depository upon the funds deposited as the board may deem just and reasonable.

(5) The fiscal year of the district shall begin October 1 of each year and end September 30 of the following calendar year.

Section 9. Budgets.—

(1) On or before each July 15, the district manager shall prepare a proposed budget for the following fiscal year to be submitted to the board for approval. The proposed budget shall include an estimate of all necessary expenditures of the district for the following fiscal year and an estimate of the revenue to the district from all sources. The board may either approve the budget as proposed by the district manager or may modify the same in part or in whole.

(2) Prior to taking further action on the proposed budget, the board shall hold not less than 2 public hearings. The hearings shall be held in the county in which the district is located and, if in more than one county, a hearing shall be held in each county in which the district is located. The district shall coordinate with the applicable local general-purpose governments on the scheduling of such hearing, and shall attempt to schedule such hearings so that they do not conflict with the meetings of the governing bodies of the applicable local general-purpose governments. Notice of the hearing shall be published in a newspaper of general circulation in each county in which the district is located once a week for 2 consecutive

weeks, except that the first publication shall be not fewer than 15 days prior to the date of the first hearing. The notice shall state the day, time, and place of the public hearings. At the public hearings, the board shall hear all public comments and objections to the proposed budget and make such changes to the budget as the board deems necessary. At the conclusion of the final hearing, the board shall by resolution, adopt the budget for the following year. The budget shall be adopted prior to October 1 of each year.

(3) At least 60 days prior to the first public hearing, the board shall transmit the proposed budget to each applicable local general-purpose government. The applicable local general-purpose governments may review the proposed budget and may submit written comments to the board for its consideration in adopting its annual budget.

(4) The board shall adopt its initial special district public facilities report containing all of the elements of s. 189.415(2), Florida Statutes, within 12 months of establishment. The district's public facilities report shall be consistent with the comprehensive plans of the applicable local general-purpose governments. The district shall submit its draft public facilities report to the applicable local general-purpose governments 120 days prior to its scheduled adoption. Upon its adoption, the district shall submit the report to the applicable local general-purpose governments. The district shall annually update the information contained in the special district public facilities report. Each year, the district shall submit its draft update to the public facilities report to each applicable local general-purpose government at least 120 days prior to its scheduled adoption. Upon adoption of the update, the district shall submit it to the applicable local general-purpose government. In accordance with s. 189.415(6), Florida Statutes, the applicable local general-purpose government may use and rely upon the information submitted in the public facilities report in the preparation of its local comprehensive plan.

(5) The board shall provide financial reports and maintain its financial records in such form and such manner as is prescribed by chapter 218, Florida Statutes.

Section 10. District elections.—

(1) Within 90 days following the effective date of establishment of a district under this act, a meeting of the landowners of the district shall be held for the purpose of electing the board. The largest landowner in the district shall set the time and date of such meeting and shall cause notice of such meeting to be published once a week for 2 consecutive weeks in a newspaper of general circulation in each county in which the district is located. The last day of such publication shall be not fewer than 14 days or more than 28 days before the date of the meeting. At the initial meeting of landowners, the two candidates receiving the highest number of votes shall be elected for a period of 4 years, and the three candidates receiving the next highest number of votes shall be elected for a period of 2 years. The term of the members of the first board elected by landowners shall extend beyond their respective 4-year or 2-year terms, as may be necessary, until the regularly scheduled election immediately succeeding such 4-year or 2-year terms or until their successors take office.

(2) Subsequent elections by landowners shall be held every 2 years at the next regularly scheduled general election. Members of the board elected at subsequent elections shall serve for a period of 4 years until their successors take office.

(3) Each landowner shall be entitled to cast one vote per acre of land owned by the landowner within the district for each board member to be elected. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots or tracts shall be treated as voting units, with fractional acreage in each lot or tract treated as one acre.

(4) Once the district has a total residential population of more than 500 according to the latest census or population estimate, the governing board of the district shall call a referendum on the question of whether certain members of the district should be elected by qualified electors pursuant to section 189.4051, Florida Statutes.

Section 11. Ordinances, resolutions, and motions.—

(1) The board shall adopt its statements of general policy and regulations by ordinance in accordance with the provisions of s. 166.041, Florida Statutes. All other actions may be authorized or approved by motion or by resolution as provided in this act.

(2) The adopting clause of all such ordinances shall be "Be It Enacted by the Board of Supervisors of the _____ Special District." All such ordinances shall be filed with the Secretary of State and become effective immediately unless the ordinance specifies otherwise.

(3) The board must codify its ordinances into a Code of Ordinances and by a single ordinance adopt such Code of Ordinances as a complete revision of all existing and applicable ordinances on the date of such adoption.

Section 12. Conflict of interest.—The district shall be considered an independent special district for purposes of the application of chapter 112, Florida Statutes; provided, however, that it shall not be a conflict of interest under chapter 112, Florida Statutes, or any other applicable provision of law for a member of the board, the district manager, any officer, or any employee of the district to be a stockholder, officer, or employee of a landowner. The foregoing shall not excuse such members from complying with all financial disclosure requirements applicable to elected officials.

Section 13. Powers and duties.—

(1) The establishment of a district hereunder shall not impair or limit the authority of the state, any agencies thereof, any regional governmental agency, or any applicable local general-purpose government from exercising their respective powers and enforcing their respective laws and ordinances within the boundaries of the district, including the collection of ad valorem taxes and other revenues as is permitted by law, except to the extent expressly provided herein. A district shall only have the powers granted to it under this act and its establishing act. A district shall not provide services outside the district and within the corporate boundaries of an applicable local general-purpose government without the approval of an applicable local general-purpose government with jurisdiction to provide that service in the area in which such services are to be provided. A district shall not provide services outside the district and within the corporate boundaries of a governmental entity that is not an applicable local general-purpose government without the approval of that governmental entity and each applicable local general-purpose government, if any, located in the same county as the governmental entity being served.

(2) Each district shall have, and the board may exercise, the following powers, except as such powers may be restricted, implemented, defined or otherwise modified, but not expanded, by a district's establishing act:

(a) To finance, acquire, plan, design, develop, construct, own, lease, operate, maintain, manage, improve, and promote a tourism, sports and entertainment district and its related and supporting improvements within the district, including those which enhance the district as a tourist destination or which serve the purpose of the district.

(b) To research, develop and utilize within the district or to sponsor the research, development and utilization of new concepts, designs, and ideas that are related to a tourism, sports and entertainment district.

(c) To promote tourism within the district.

(d) To finance, acquire, plan, design, develop, construct, own, operate, maintain, manage, improve, and promote a transportation system, including, without limitation, roads, walkways, bridges, parking, lighting, facilities, and equipment, operating solely within the district, either by the financing, planning, constructing, maintaining, operating, or permitting of such a system, or by contracting for the establishment and operation of such a system and to coordinate such internal system with other governmental transportation systems operated in or adjacent to the district.

(e) To finance, acquire, plan, design, develop, construct, own, operate, maintain, manage, and improve a water supply system, a water management system, a stormwater system, a water reuse system, a sewer and wastewater system, and a solid waste collection service within the district and to provide or contract to provide such services. Prior to providing water supply, wastewater, or water reuse services or systems, the district shall seek to contract or otherwise receive such services from any authorized and existing service provider with the ability to provide such services in the times required for development of the tourism, sports and entertainment district and in accordance with applicable laws regarding reasonable rates, fees and charges for such services.

(f) To finance, acquire, plan, design, develop, construct, own, operate, maintain, manage, and improve a mosquito and pest control program within the district.

(g) To finance, acquire, plan, design, develop, construct, own, operate, maintain, manage, improve, and promote any project, within or without the district, when an applicable local general-purpose government or the Department of Community Affairs has or have issued a final development order pursuant to s. 380.06 or s. 380.061, Florida Statutes, approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and all required governmental entities and is consistent with the local government comprehensive plan approved by the local general-purpose government within which the project is to be located.

(h) To provide police, emergency medical, and fire protection services for the protection of persons and property within the district by contracting with the local general-purpose governments which provide these services to any portion of the district at the time of establishment of the district. Any public agency as defined by s. 163.01(3)(b), Florida Statutes, which agrees to provide police or fire services

shall have the requisite jurisdiction within the district as is required to provide such service.

- (i) To sue and be sued in the name of the district.
- (j) To adopt and use a seal and to authorize the use of a facsimile thereof.
- (k) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
- (l) To employ and train staff and to contract for the services of such independent consultants, professionals, managers, and operators as the board deems necessary and convenient.
- (m) To maintain offices at such place or places as the board deems necessary; provided, however, the district's principal office shall be maintained within the district and at a location readily accessible to landowners and the general public once the sports and entertainment district has been developed and becomes operational. Prior to that time, the principal office shall be in a county in which the district is located and shall be readily accessible to the landowners and the public.
- (n) To adopt by ordinance procedures for the conduct of the district's affairs and business. At a minimum, the district shall adopt procedures governing the conduct of meetings, the designation of its principal office, and the process for awarding contracts and franchises within 6 months of establishment of the district. A copy of the procedures as adopted and amended from time to time shall be provided to each applicable local general-purpose government.
- (o) To accept gifts, to apply for and use grants or loans of money or other property from the United States or any department or agency thereof, the state or any of its subdivisions or agencies, any other state or any subdivision or agency thereof, or any person for district purposes and to enter into any agreements required in connection therewith; and to hold, use, and dispose of such monies or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto. Any private activity bond allocation relating to an improvement within the district must be obtained, if available, from or through an applicable local general-purpose government.
- (p) To hold, control, and acquire by donation or purchase and to, subject to the provisions of section 30, dispose of any real or personal property, or any estate therein, within or without the district, for any district purpose.
- (q) To lease subject to section 30, as lessor or lessee to or from any person, firm, corporation, association or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.
- (r) To borrow money and issue bonds, certificates of indebtedness, warrants, notes, or other evidence of indebtedness as hereinafter provided.
- (s) To fix, collect, and enforce fees, rates, tolls, or other user charges for any service, program, or facility of the district. However, local general-purpose governments within the district are exempt from such tolls, and the district shall not impose tolls on any roads in the district that are not owned and operated by the district.

(t) To exercise the power of eminent domain to acquire any real or personal property within the outside perimeter boundaries of the district for any district purpose; to exercise the power of eminent domain beyond the outside perimeter of the district solely for the purpose of acquiring land, easements, or rights-of-way which will be used to construct, install, or maintain district roads, water lines, wastewater lines, drainage facilities or other district infrastructure systems or infrastructure facilities, or which will be used to connect district infrastructure systems or infrastructure facilities with similar systems or facilities within or outside the district. A district's power of eminent domain shall be exercised in accordance with chapters 73 and 74, Florida Statutes, and shall require approval by resolution or ordinance of each applicable local general-purpose government within which the property is located. The Legislature expressly finds and declares its intent that the public purpose for which a district is created may be frustrated by the existence of enclaves within the outside perimeter of the district which impede the development of the land within the district as a single, functionally integrated sports and entertainment complex. A district's power of eminent domain shall not apply to any sports franchise or to any municipal, county, state, district or federal property.

(u) To cooperate and contract with other governmental entities.

(v) To assess and impose upon lands in the district ad valorem taxes as provided and limited by this act. Any such taxes shall only be in addition to, and not in lieu of or preclude, similar taxes imposed by the state, its agencies, any political subdivision, school district, special taxing district, and any applicable local general-purpose government.

(w) To determine, order, levy, impose, collect, and enforce special assessments on lands within the district pursuant to this act or chapter 170, Florida Statutes, or both, but only upon a showing of special peculiar benefit to property and reasonable and fair apportionment. Such special assessments may, in the discretion of the board, be collected and enforced pursuant to the provisions of ss. 197.3631, 197.3632, and 197.3635, Florida Statutes, or chapters 170 and 173, Florida Statutes; provided, however, that nothing herein shall subject a general-purpose local government to the requirements of ss. 197.3631, 197.3632, and 197.3635, Florida Statutes, if it is not otherwise subject to those provisions. No special assessment may be levied upon lands owned by the state, its agencies, any county, any school district, any political subdivision, special district as defined in chapter 189, Florida Statutes, or municipal corporation. Any such special assessments imposed by the district shall only be in addition to, and not in lieu of or preclude, similar assessments imposed by the state, its agencies, any political subdivision, special district as defined in chapter 189, Florida Statutes, and any applicable local general-purpose government.

(x) To invest moneys received by the district as may be permitted by law or as provided in any resolution adopted by the board, and subject to the provisions of its applicable law, the district or a unit of local government may also invest and reinvest any surplus public funds in its control or possession in:

1. Dollar-denominated money market mutual funds registered with the United States Securities and Exchange Commission;

2. Shares of a commingled no-load investment fund, no-load common trust fund, or no-load mutual fund, provided that:

a. Such fund is registered with the United States Securities and Exchange Commission under the Federal Investment Company Act of 1940 or supervised by the appropriate regulatory authority;

b. Substantially all of such fund's assets are expected to be invested in money market securities or other investment-grade debt obligations; and

c. Either the average weighted maturity of the portfolio of such fund is no greater than 7 years, or the interest rate on substantially all of such fund's portfolio securities are expected to be adjusted at least annually; or

3. Repurchase agreements fully secured by United States Government obligations, provided that the district takes delivery of the purchased securities either directly or through an authorized custodian;

Any investments made by the unit of local government pursuant to subparagraphs 1 through 3 must be held, either directly, or through a third-party custodian or trustee, by the unit of local government, or by the intergovernmental pool or mutual fund or commingled investment fund in which the unit of local government is investing, unless such investments are made in the Local Government Surplus Funds Trust Fund. Each unit of local government may enter into any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in section 163.01, Florida Statutes.

(v) To procure such insurance as the board deems necessary or convenient, to self insure and to enter into indemnity agreements.

(z) To require persons within the district to obtain certain district approvals, and to grant exclusive or nonexclusive franchises, as hereinafter provided. No business with lawful authorization to supply goods and services within the jurisdiction of each applicable local general-purpose government shall be required to obtain any license or approval from the district in order to supply such goods or services within the district, except as otherwise provided in this act.

(aa) To require all lands, buildings and premises and all persons within the district to use the drainage, reclamation, water, and sewer facilities and solid waste services of the district or such facilities or services provided by the district through a contract.

(bb) To exercise all of the powers necessary, convenient, incidental, or proper in connection, and consistent, with any of the powers, duties, or purposes authorized by this act or a district's establishing act.

(cc). To levy a discretionary sales surtax on tangible personal property that is sold within the state by a dealer located within the district and on admissions within the district, which are subject to taxation under part I of chapter 212, Florida Statutes, at the rate not to exceed the rates provided in section 212.055(2), Florida Statutes. Any district levy shall be in addition to, and not in lieu of, sales and use taxes imposed by the state, its agencies, and political subdivisions, special taxing districts, and any applicable local general-purpose government. The amount of the surtax shall be separately stated as a discretionary sales surtax on any charge ticket, sales slip, invoice, or other tangible evidence of sale. The surtax shall not be subject to the taxes imposed under part I of chapter 212, Florida Statutes.

2. The person receiving the consideration for such sales shall charge and receive, account for, and remit the surtax to the district at the same time and in the same manner for persons who collect and remit taxes under part I of chapter 212, Florida Statutes. The responsibility for collecting, auditing, accounting for, or otherwise administering this surtax shall lie with the district. The district may use any power granted to the Department of Revenue under part I of chapter 212, Florida Statutes, to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. The same duties and privileges imposed by part I of chapter 212, Florida Statutes, upon dealers, respecting registration; the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and compliance with the rules of Department of Revenue in the administration of part I of chapter 212, Florida Statutes, shall apply to and be binding upon all persons who are subject to provisions of such levy. The provisions of part I of chapter 212, Florida Statutes, regarding the authority to audit and make assessments, assessments of penalties and interest, and other administrative provisions of part I of chapter 212, Florida Statutes, are applicable, except as expressly provided in this paragraph. The surtax is not subject to the computation of estimated taxes under section 212.11, Florida Statutes. However, the district may authorize a quarterly or semiannual return and payment when the surtax remitted by the dealer for the preceding quarter or semiannual period did not exceed the criteria established in section 212.11(1)(c), Florida Statutes.

3. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the governing body of the district. No ordinance shall permit collection of the surtax prior to May 15, 1995.

4. The proceeds from such levy, less the cost to the district to administer this surtax which cannot be more than 3 percent, shall be expended solely for the purposes outlined in section 212.055(2)(d), Florida Statutes.

5. The district shall promulgate such rules and shall prescribe and publish such forms not inconsistent with part I of chapter 212, Florida Statutes, and Department of Revenue rules as may be necessary to effectuate the purposes of this paragraph.

(3) No district created pursuant to this section shall own, operate, maintain, or manage any casino or gambling enterprise, unless specifically authorized by the Legislature.

Section 14. Annexation and contraction.—

(1) Except as provided in subsection (5), a district's boundaries may only be expanded or contracted by legislative amendment to the district's establishing act in accordance with the requirements for such amendment as set forth in this act.

(2) No later than December 1 prior to the general legislative session in which the amendment is to be considered, an application to amend the boundaries shall be filed with the Department of Community Affairs, together with evidence of consent of the landowners who are being annexed or deannexed from the district and evidence that said proposed amendment has been previously provided to and approved by the applicable local general-purpose government. The application shall contain a metes and bounds description of the land to be amended, along with an illustrative map showing the location of the district and the specifically referenced

land. The Department of Community Affairs shall, within 14 days after receipt, certify to the Speaker of the House and the President of the Senate that the proper documentation has been received.

(3) Only land which is sufficiently contiguous and compact may be annexed into the district.

(4) Within 30 days after approval of the amendment annexing an area, the district board shall file a copy of the amendment with the Office of Special District Information and with each local general-purpose government in which the district is located.

(5) The district's initial establishing act may identify certain specific parcels of land which may be annexed or contracted after receipt of consent of the affected landowners or upon such other conditions as may be set forth in the establishing act. If so identified, such annexation or contraction shall be effective upon adoption of an ordinance by the district after notice of intent to annex or contract has been published once a week for 2 consecutive weeks in a newspaper of general circulation in each county in which the district is located, and only after receipt of consent of the landowners of the annexed area or upon satisfaction of such other conditions as required in the establishing act. The notice shall include a brief description of the land to be annexed or contracted and a map clearly showing the area to be annexed or contracted.

(6) Except as provided in subsection (5), a district's boundaries may only be contracted by legislative amendment to the district's establishing act. In addition to any other requirements of subsection (2), all applications to contract the boundaries of the district shall be accompanied by a feasibility study undertaken by the applicant, as well as an agreement between the district and any affected applicable local general-purpose government, which feasibility study and agreement shall determine what portion, if any, of the services, revenue, existing indebtedness, assets or facilities relating to the subject property shall be assumed by either the district or the applicable local general-purpose government of which the territory will become a part; the fair value of such revenue, indebtedness, assets or facilities; and, the manner of transfer and financing of same. Within 30 days after adoption of the amendment contracting the boundaries of the district, the district shall file a copy of the amendment with the Office of Special District Information and the applicable local general-purpose government.

Section 15. Land development and environmental regulations.—

(1) Due to the multi-jurisdictional nature of each district, it is the legislative intent that the board be vested with specific land development regulatory and permitting power. Such land development regulatory and permitting power shall be set forth, as to each district, in its establishing act and shall, in all cases, mandate compliance with applicable approved local comprehensive plans and be otherwise consistent with the provisions of this section. Each land development regulation proposed by the district shall be subject to review by the local general-purpose government whose local comprehensive plan is applicable to the land to which the proposed regulation would apply, in the manner provided for in s. 163.3194(2), Florida Statutes. The district board of supervisors shall not be considered a local government for any purpose under ss. 163.3161-163.3215, Florida Statutes. However, land development regulations are subject to challenge under s. 163.3213, Florida Statutes, by substantially affected persons. For purposes of this subsection, an applica-

ble local general-purpose government shall be considered a substantially affected person.

(2) The exercise by the board of its powers over land development regulation shall not impair or limit the authority of any applicable local general-purpose government from exercising its powers and enforcing its environmental ordinances, resolutions, or regulations within the boundaries of the district, issuance of development orders pursuant to s. 380.06, Florida Statutes, platting regulations, the issuance of building permits, determinations of concurrency, regulations regarding the prohibition or control of pollution of air or water, the conservation of natural resources which include, but are not limited to, wetlands and plant and wildlife species, the protection of archaeological and historical sites, and the regulation and control of hazardous wastes.

(3) Nothing in this act or in any establishing act shall be construed to impair or limit the authority of any federal, state, or regional governmental agency or entity from exercising their respective powers and enforcing their respective laws, rules, or regulations dealing with land development or environmental regulation within the boundaries of the district including, but not limited to, laws, rules, or regulations regarding the prohibition or control of pollution of land, air, or water, the conservation of natural resources which include, but are not limited to, wetlands and plant and wildlife species, the protection of archeological and historical sites, and the regulation and control of hazardous wastes. The district shall not be exempt from providing assurance of financial responsibility that is required by any federal, state, or regional environmental regulatory authority.

Section 16. Franchises.—

(1) The board may grant such exclusive or nonexclusive franchises for certain services within the district as the board deems necessary and convenient, provided however, that the district's establishing act shall specify the types of services for which the district may or may not grant such franchises and the conditions, if any, under which such franchises may be granted.

(2) In reviewing an application for a franchise, the board shall consider the applicant's financial resources and responsibility, equipment, previous business history, past performance, experience, trustworthiness, and such other factors as the board may designate.

(3) The board may grant an exclusive or nonexclusive franchise for any period of time up to 10 years and may limit the number of franchises granted to any one type of concern. The board shall hold a public hearing prior to granting any franchise.

(4) Before granting an exclusive franchise or limiting the number of franchises granted to any one type of concern, the board shall determine the necessity for the exclusive franchise or for limiting the number of franchises granted to any one type of concern in order to maintain and operate effectively the facilities within the district, and avoid duplication of services and destructive competition which may impair the quality of services to persons using the facilities within the district or lead to uncertainty, disruption, or instability in the rendering of such services.

(5) The board may establish an initial and an annual franchise fee, and may impose such terms and conditions on the franchise holder as the board deems appropriate.

(6) A franchise shall not be assigned without the written consent of the board.

(7) The board may deny, suspend, revoke, or not renew a franchise if the board determines that the applicant or franchisee is not qualified based upon the factors set forth in subsection (2) or designated by the board, has submitted false or misleading information to the board, or has violated any of the terms and conditions imposed by the board. The board may also not renew a franchise based upon the factors set forth in subsection (4).

(8) No provision of this section shall be construed as to require any local general-purpose government or the state or any of their respective agencies to have or obtain a franchise within the boundaries of the district.

(9) Franchises may not be required for any type of business or utility for which a franchise may not be required by a county or municipality.

(10) Nothing in this section shall limit the authority of the district to grant exclusive or nonexclusive concessions with respect to any stadium, arena, or other sports or entertainment facility owned or operated by the district. The district board in granting such concessions shall be required to award at least 25 percent of such concessions to minority firms. To meet such participation requirements, a firm must be at least 51-percent-owned by minority persons as defined in s. 288.703(3), Florida Statutes.

Section 17. Bonds.—

(1) AUTHORIZATION AND FORM OF BONDS.—

(a) The district is authorized to provide for the issuance and sale of bonds for any of the purposes for which the district has the power and authority to expend money, which particular purposes are not enumerated here but are incorporated herein by reference, including the power to finance the cost of any project and to refund any and all previous issues of bonds at or prior to maturity. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable. Bonds may be authorized by resolution or resolutions of the board which shall be adopted at a regular or special meeting.

(b) Bonds of the district may be issued as bonds that reflect and evidence any form of financing structure, including, but not limited to, taxable or tax-exempt bonds; bonds that bear current interest, whether fixed or variable; bonds issued at an original issue discount or premium; capital appreciation bonds; non-interest paying bonds that convert to bonds paying current interest; current interest paying bonds that convert to bonds that pay no interest or a different or varying rate of interest; bonds which allow the holder thereof to tender such bonds to the district or its agent; bonds which are convertible, at the option of the district or the holder, into a form of bonds other than that in which they were originally issued; bonds which are issued with separate call option rights which may be sold by the district at the time of issuance of such bonds or thereafter; and bonds of any type issued in connection with interest rate swaps or other derivative products. Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time.

(c) The board may, by resolution, fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended, including, but not limited to, payment of costs of one or more projects;

the rate or rates of interest, in compliance with general law; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state where payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by s. 159.825(6) and (7), Florida Statutes, regardless of the tax treatment of such bonds being authorized. Such authorizing resolution may further provide for an electronic book entry system of registration, or for certificated bonds, and that such bonds may be executed in accordance with the Registered Public Obligations Act. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds.

(d) Any issue of revenue bonds shall be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. Any provisions regarding the details or terms of any bonds to be issued by the district that are required or permitted to be set forth in a resolution or resolutions of the board may be set forth in a trust agreement with the same effect as if such provisions had been set forth in a resolution of the board. The resolution authorizing the issuance of the bonds or such trust agreement may pledge any legally available revenues of the district, including, without limitation, the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants authorized under the provisions of subsection (10) of section 17 and covenants setting forth the duties of the district in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges; the custody, safeguarding, and application of all monies; and for the employment of engineers, accountants, professionals and other consultants in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company within or without the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of a project to which such trust agreement pertains or as part of the cost of the operation of such project.

(e) Bonds may be delivered by the district as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including

franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine.

(f) Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary notes or bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds which become mutilated, lost or destroyed.

(g) The district board, in issuing bonds or refinancing thereof, shall be required to offer not less than 25 percent participation to minority underwriting, financial advisory, and law firms. To meet such participation requirement, the minority firm must have full-time employees located in this state, and must have a permanent place of business located in this state, and must be a firm which is at least 51-percent-owned by minority persons as defined in section 288.703(3), Florida Statutes. However, for the purpose of bond underwriting only, the requirement that the minority person be a permanent resident of this state shall not apply.

(h) All bonds issued on behalf of the district shall state on the face thereof that they are payable, both as to principal and interest, solely out of assets of the district pledged therefor and do not constitute an obligation, either general or special, of the state or of any local government.

(2) NEGOTIABILITY OF BONDS.—Any bond issued under this act or any temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute a negotiable instrument within the meaning and for all purposes of the law merchant and the laws of the state.

(3) DEFEASANCE.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when provision has been made for paying the whole amount of the principal, interest and premium, if any, due and payable upon such bonds or obligations at maturity or earlier redemption and sufficient funds for such purpose shall be held in trust and provision shall also have been made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds or other properties by which such bonds or obligations are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus established in connection with such bonds and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

(4) REFUNDING BONDS.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds at maturity or earlier redemption. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the district. No approval of the qualified electors residing in the district shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Con-

stitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to them.

(5) REVENUE BONDS.—The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from rates, fees, tolls, or other charges to be collected by the district; from any revenue-producing undertaking or activity of the district; from special assessments; or from any other source of funds or pledged security. Such bonds shall constitute special limited obligations of the district and shall not constitute an indebtedness of the district within the meaning of any constitutional or statutory provision or limitation.

(6) GENERAL OBLIGATION BONDS.—

(a) The district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be held in the district. The expense of calling and holding an election shall be at the expense of the district.

(b) The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitations as to rate or amount.

(c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the qualified electors on one and the same ballot. The failure of the qualified electors to approve the issuance of bonds for any one or more capital projects shall not defeat the approval of bonds for any capital project which has been approved by the qualified electors.

(7) BOND ANTICIPATION NOTES.—In addition to the other powers provided for in this act, and not in limitation thereof, the district shall have the power, at any time, and from time to time after the issuance of any bonds of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of proceeds of the sale of such bonds

and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine in compliance with general law, mature at such time or times not later than 5 years from the date of issuance, including all renewals thereof, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such notes; but in such event a like amount of the bonds authorized shall not be issued.

(8) SHORT-TERM BORROWING.—In addition to the other powers provided for in this act, and not in limitation thereof, the district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall bear such interest as the board may determine in compliance with general law, and may be payable from and secured by a pledge of such funds, revenues, taxes and assessments as the board may determine, subject, however, to the provisions contained in any proceeding under which such bonds were theretofore issued and are then outstanding. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such times, to bear such interest as the board may determine in compliance with s. 215.84, Florida Statutes, and to be sold or discounted at such price or prices as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the qualified electors residing in the district shall not be necessary except to the extent required by the State Constitution. Any short term borrowing by the district for operating expenses shall mature in 12 months or less and may not be refinanced.

(9) BONDS AS LEGAL INVESTMENT OR SECURITY.—

(a) Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state.

(b) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

(10) COVENANTS.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the op-

eration of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the appointment, powers, and duties of registration and paying agents; the acquisition of outstanding bonds and obligations; restrictions on the establishing of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to assure the payment of revenues by users of district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

(11) VALIDATION.—The district may, by resolution, determine to validate any bonds in accordance with the provisions of chapter 75, Florida Statutes, if it deems such validation advisable, except the district shall validate the first issue of any bonds pledging any revenue source of the district.

(12) ACT FURNISHES FULL AUTHORITY FOR ISSUANCE OF BONDS. This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officers, commission, department, agency, or instrumentality of the district, other than those required by this act, shall be required to perform anything under this act, except that the issuance or sale of bonds pursuant to the provisions of this act shall comply with the general law requirements applicable to the issuance or sale of bonds by the district, including, but not limited to, s. 189.4085, Florida Statutes.

(13) PLEDGE BY THE STATE TO THE BONDHOLDERS OF THE DISTRICT.—The state pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, or reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, tolls, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations and that it will not in any way impair the rights or remedies of such holders.

(14) DEFAULT.—A default on the bonds or obligations of the district shall not constitute a debt or obligation of any local general-purpose government or of the state.

Section 18. Taxes; non-ad valorem special assessments.—

(1) AD VALOREM TAXES.—The board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to generate funds for operating or capital purposes of the district; to pay the principal of, and interest on, any general obligation bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the board, exclusive of debt service on bonds, shall not exceed 5 mills. The ad valorem tax provided for herein shall be in addition to city, county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and same time as county taxes and such millage shall be established by the district in accordance with the provisions of chapter 200,

Florida Statutes. The levy of ad valorem taxes shall be approved by referendum to the extent required by the State Constitution.

(2) NON-AD VALOREM SPECIAL ASSESSMENTS.—The District shall have the authority, annually or otherwise, to levy non-ad valorem special assessments, by whatever name, on lands within the district so long as they provide ascertainable special benefit peculiar to the property and so long as the duty to pay is reasonably and fairly apportioned.

(a) BENEFIT SPECIAL ASSESSMENTS.—The board shall annually determine, order and levy on lands within the district the annual installment of the total benefit special assessments for bonds issued and related expenses to finance district systems, facilities, and services which are levied under this act. The assessments may be due and collected during each year that county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year, and such assessment shall be entered by the property appraiser on the county tax rolls, certified on the tax rolls to the tax collector, and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from contracting with the tax collector to use the uniform provisions in s. 197.3632, Florida Statutes, after electing to use the uniform method for collecting and enforcing such benefit special assessments. Moreover, this subsection shall not prohibit the district, in its discretion, from using any other method, including contracting with the tax collector for a separate tax bill, or with any private entity, or using its own staff, for the collection and enforcement of the benefit special assessment, in which alternative, the tax certificate and tax deed methodology would not be available. Such benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the benefit special assessment shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefitted by the improvement, apportioned between benefitted lands in proportion to the benefits received by each tract of land.

(b) MAINTENANCE SPECIAL ASSESSMENTS.—To maintain and preserve the facilities and projects of the district and to finance ongoing operations of the district, the board may levy a maintenance special assessment on lands within the district. This assessment may be evidenced to and certified to the applicable property appraiser by the board not later than August 31 of each year and shall be entered by the property appraiser on the county tax rolls, certified on the tax rolls to the tax collector, and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds therefrom shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from contracting with the tax collector to use the uniform provisions in s. 197.3632, Florida Statutes, after electing to use the uniform method for collecting and enforcing such maintenance special assessments. Moreover, this subsection shall not prohibit the district, in its discretion, from using any other method, including contracting with the tax collector for a separate tax bill, or with any private entity, or using its own staff, for the collection and enforcement of the maintenance special assessment, in which alternative, the tax certificate and tax

deed methodology would not be available. These maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the maintenance special assessment shall be determined by the board based upon a report of a registered engineer and assessed by the board upon such lands, which may be all of the lands within the district benefitted by the maintenance thereof, apportioned between the benefitted lands in proportion to the benefits received by each tract of land.

(3) ENFORCEMENT OF TAXES AND NON-AD VALOREM SPECIAL ASSESSMENTS.—The collection and enforcement of all taxes shall be, and the collection and enforcement of all non-ad valorem special assessments levied by the district pursuant to this section may, at the discretion of the board, be at the same time and in like manner as county taxes. With respect to taxes and, upon proper election, non-ad valorem assessments, the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes; the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes; the redemption thereof; the issuance to individuals of tax deeds based thereon; and all other procedures in connection therewith shall be applicable to the district to the same extent as if such statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(4) WHEN UNPAID TAXES AND ASSESSMENTS ARE DELINQUENT; PENALTY.—All taxes and, upon proper election, non-ad valorem special assessments, provided for in this act shall become delinquent and bear penalties on the amount of such taxes and non-ad valorem special assessments in the same manner as county taxes.

(5) TAX LIENS.—All taxes and non-ad valorem special assessments of the district, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of ss. 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall be applicable to district taxes and, upon proper election by the district, non-ad valorem special assessments with the same force and effect as if such provisions were expressly set forth in this act.

(6) FORECLOSURE OF LIENS.—Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in like manner as is provided in chapter 173, Florida Statutes, and amendments thereto; the provisions of that chapter shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the board may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date

any tax, or installment thereof, becomes delinquent; however no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.

Section 19. Other non-ad valorem special assessments.—In addition to the authority of the district under this act to levy non-ad valorem special assessments and to provide for their collection and enforcement through the uniform procedures available in s. 197.3632, Florida Statutes, or through other provisions authorized in s. 197.3631, Florida Statutes, and this act, the board may levy special assessments on lands within the district for the construction, reconstruction, acquisition, or maintenance of district facilities authorized under this act using the procedures for levy and collection provided in chapter 170, Florida Statutes. Notwithstanding the provisions of s. 170.09, Florida Statutes, district assessments may be made payable in 20 yearly installments.

Section 20. Issuance of certificate of indebtedness based on assessments for assessable improvements; assessment bonds.—

(1) The board may, after any non-ad valorem assessments for assessable improvements are made, determined and confirmed issue certificates of indebtedness for the amount so assessed against the abutting property or any property otherwise specially benefitted, as the case may be; and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the assessment is made. The certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates, in compliance with general law, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. The certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvements, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited; or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness de-

posited in the special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund; and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board; however, the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessments liens, are assigned to or deposited in such special fund.

(4) Such assessment bonds or other obligations issued under this section shall bear such interest as the board may determine, not to exceed a rate which is in compliance with general law, and shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

(5) All bonds issued on behalf of the district shall state on the face thereof that they are payable, both as to principal and interest, solely out of assets of the district pledged therefor and do not constitute an obligation, either general or special, of the state or of any local government.

Section 21. Payment of taxes and redemption of tax liens by the district; sharing in proceeds of tax sale.—

(1) The district has the right to:

(a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands, located wholly or partially within the boundaries of the district, including interest and penalties; and

(b) To redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(2) Delinquent taxes or assessments paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes upon all the real property against which the taxes or assessments were levied. The lien of the district may be foreclosed in the manner provided in this act.

(3) In any sale of land pursuant to s. 197.542, Florida Statutes, and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes or assessments due to the district upon the lands sought to be sold; and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under the laws of the state.

Section 22. Tax exemption.—The bonds and other obligations issued under the provisions of this act, their transfer, and the income therefrom, including any

profit made on the sale thereof, and all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds or other obligations issued under the provisions of this act, shall at all times be free from taxation by the state or any local unit, political subdivision, or other instrumentality of the state. The exemption granted by this section shall not be applicable to any tax imposed by part I of chapter 212, Florida Statutes, or by chapter 220, Florida Statutes, on interest, income, or profits on debt obligations owned by corporations. Except as otherwise provided by this act or a district's establishing act, for purposes of ad valorem taxation, real property owned by the district shall be treated in the same manner as property owned by an independent special district and political subdivision of the state, taking into account the purposes, intent and provisions of this act.

Section 23. Contracts.—Contracts for the construction of projects and for any other purpose of the district may be awarded by the district in such manner as in its judgment will best promote free and open competition, including advertisement for competitive bids in a newspaper of general circulation in each county in which the district is located; however, if the district shall determine that the purposes of this act will be more effectively served, the district in its discretion 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 district upon a negotiated basis as determined by the district. All contractors doing business with the district and required to be licensed by the state or local general-purpose government shall keep and maintain said license during the term of the contract with the district. The district may prescribe bid security requirements and other procedures in connection with the award of such contracts as in its judgment shall protect the public interest. The provisions of s. 287.055, Florida Statutes, shall not apply to the selection of professional architectural, engineering, landscape architectural, or land surveying services by the district or to the procurement of design-build contracts. The district shall to the extent permitted by law require minority participation in construction of district projects. The district may by written contract engage the services of the lessee, purchaser, or prospective lessee or purchaser of any project in the construction of the project and may provide in the contract that the lessee, purchaser, or prospective lessee or purchaser may act as an agent of, or an independent contractor for, the district for the performance of the functions described therein, subject to such conditions and requirements consistent with the provisions of this act as shall be 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, and contract documents; the award of construction and other contracts upon a competitive or negotiated basis; the construction of the project, or any part thereof, directly by the lessee, purchaser, or prospective lessee or purchaser; the inspection and supervision of construction; the employment of engineers, architects, builders, and other contractors; and the provision of money to pay the cost thereof pending reimbursement by the district. Any such contract may provide that the district may make advances to or reimburse the lessee, purchaser, or prospective lessee or purchaser for its costs incurred in the performance of those functions, and shall set forth the supporting documents required to be submitted to the district and the reviews, examinations, and audits that shall be required in connection therewith to assure compliance with the provisions of the contract.

Section 24. Sale or lease of property.—Subject to the provisions of section 30, the district may sell or lease property of the district in such manner as in its judgment will best promote free and open competition, including advertisement for competitive bids in a newspaper of general circulation in each county in which the district is located; however, if the district shall determine that the purposes of this act will be more effectively served, the district may sell or lease property of the district upon a negotiated basis, and for no or nominal consideration, as determined by the district. Nothing in this act or any other provision of law shall be construed to prohibit the district from selling or leasing property of the district in a transaction in which the district leases the property back from its purchaser or lessee.

Section 25. Sale of real estate within the district; required disclosure to purchaser.—Each contract for the sale of real estate within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: “THE _____ SPECIAL DISTRICT IMPOSES TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND PROJECTS OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BODY OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.”

Section 26. Damages arising out of tort.—It is the intent of the Legislature that no immunity from liability for damages arising in tort should attach with regard to any district activity which is not traditionally conducted by a unit of local general-purpose government, but rather is of a type which would generally be owned, operated, or conducted by private, nongovernmental entities. Therefore, in accordance with s. 13, Art. X of the State Constitution, sovereign immunity is hereby waived with regard to the district’s liability for any damages in tort arising out of the performance of operational activities related to district functions which are not for governmental purposes, including, but not limited to, such nontraditional functions as the operation of a theme park as part of the tourism, sports and entertainment district. With regard to any such claim, the provisions of s. 768.28, Florida Statutes, shall not apply, and such claim may be brought and prosecuted in accordance with the general laws of this state as if the district were not an instrumentality or agency of the state. If a nongovernmental tenant conducts commercial activities on property leased from the district, the district’s sovereign immunity shall neither be deemed to have been waived based solely on the the tenant’s activities, nor shall any grant of immunity be conveyed from the district to any such tenant as a result of such activities. Any suit or action brought or maintained against the district for damages in tort arising out of the performance of its traditional bona fide governmental functions shall be subject to the provisions of s. 768.28, Florida Statutes, and such claim shall be presented in writing to the board.

Section 27. Dissolution.—

(1) Except as set forth in paragraph (b) or the district’s establishing act, the district may only be dissolved by amendment to the district’s establishing act by the Legislature. After holding not less than 2 public hearings and upon unanimous vote, the board may vote to recommend to the Legislature that the district be dissolved.

(a) No such resolution shall be adopted unless the applicable local general-purpose governments have agreed, by resolution adopted after holding not less than 2 public hearings, to such dissolution and to the arrangements made for the assumption of all governmental services theretofore provided by the district, and for the transfer and allocation of revenue, property and indebtedness of the district. Any resolution recommending dissolution of the district shall specify the effective date of the dissolution. If any bonds or other obligations of the district are outstanding, such resolution shall set forth the proposed arrangements pursuant to which holders of such outstanding obligations shall be immediately paid or shall continue to be paid, which arrangements shall be consistent with the terms of such outstanding obligations. Within 30 days after adoption of the resolution proposing dissolution, the board shall file a copy of the resolution with the Special District Information Program and with each applicable local general-purpose government, the Speaker of the House, the President of the Senate, and the Joint Legislative Management Committee.

(b) If within five years after the effective date of the establishing act, no landowner has received any preliminary development approval or development of regional impact or Florida Quality Development development order, under the provisions of chapter 380, Florida Statutes, for the tourism, sports and entertainment district or related facilities and no construction of any improvements authorized by this act or the establishing act has commenced, the district shall automatically dissolve and the Secretary of State by proclamation shall declare inactive any district in this state upon a report being filed by the Department of Community Affairs which shows that such district is no longer active.

Section 28. District records.—All records of the district, including but not limited to all district contracts, ordinances, resolutions, minutes, permits, invoices and requisitions shall be subject to the provisions of chapter 119, Florida Statutes. Nothing in this act shall be construed as creating any specific exemption from the applicability of chapter 119, Florida Statutes, to the district.

Section 29. District reporting.—Nothing herein shall be construed as relieving the district from any law applicable to independent special districts or political subdivisions of the state, including the provisions of chapter 189, Florida Statutes, except as otherwise expressly provided herein.

Section 30. For purposes of all state and local taxation, notwithstanding any other provisions of this act to the contrary except subsection (5), when any real property or tangible or intangible personal property ceases to be owned, used, operated, or managed by the district, the tax recapture provisions of this section shall apply.

(1) Ad valorem taxes and certain sales taxes shall be paid pursuant to subsection (7) of section 31, and shall not be subject to recapture.

(2) Notwithstanding the provisions of section 95.091, Florida Statutes, for the purposes of all other applicable state and local taxes, assessments, and revenues, the district shall make payment for all said taxes, assessments, and revenues which would have been paid in all previous years the district was in existence as if the property were owned by a person other than the district, plus interest of 1 percent per month from the date the tax, assessment, or revenue would have been due.

(3) The district shall maintain all applicable books and records necessary to determine any taxes, assessments, revenues, or interest owed under the provisions of this section.

(4) Any sovereign immunity that the district may have or that may have been conferred on it by this act with regard to all state and local taxes is hereby waived to the extent that the provisions of this section apply.

(5) The provisions of this section shall not apply to any of the following real property or tangible or intangible personal property that ceases to be owned, used, operated, or managed by the district:

(a) Infrastructure facilities and systems of the district, similar to those of other local general-purpose governments transferred by the district to a governmental entity, exempt not-for-profit entity, or a not-for-profit entity that uses the facilities for public purposes.

(b) Facilities for the public display of live sports events, including any stadiums or arenas, similar to those facilities which any other local general-purpose government would be authorized to own, use, operate, or lease.

(c) Any property that is sold or leased by the district or as to which the district contracts for management or operation for fair market value.

(d) Any property which the district sells, leases, or conveys to a governmental or exempt not-for-profit entity or with respect to which the district enters into a management or operating contract with such an entity.

(e) Any district bonds or other instruments evidencing district indebtedness.

(f) Any property that ceases to be owned, used, operated, or managed by the district as the result of casualty, condemnation, or abandonment.

(g) Any property that, after it ceases to be owned, used, operated, or managed by the district, continues to serve a governmental, municipal, or public purpose or function common to those of other local general-purpose governments as described in general law, other than this act.

Section 31. Establishing the South Florida Sports and Entertainment Special District; defining the district's boundaries.—

(1) Establishment.—Effective upon approval of each applicable local general-purpose government as provided in section 38, there is hereby established an independent special district to be known as the South Florida Sports and Entertainment Special District. The district shall be a body politic and corporate and a political subdivision of the state.

(2) Boundaries.—The territorial boundaries of the South Florida Sports and Entertainment Special District shall be the following described area:

LEGAL DESCRIPTION - DADE COUNTY

A portion of the West one-half (W 1/2) of Section 4, Township 52 South, Range 40 East, Dade County, Florida, according to the plat of CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 27 of the Public Records of Dade County, Florida, and a portion of Section 5, Township 52 South, Range 40 East, Dade County, Florida, according to the plat of FLORIDA FRUIT LANDS

COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida, and being bounded as follows:

On the North by the North line of said Sections 4 and 5;

On the West by the West line of said Section 5;

On the South by the South line of said Section 5 and the Northwesterly Right-of-way line of the Homestead Extension of Florida's Turnpike as shown on Florida Department of Transportation Right-of-Way Map Section 87005-2313;

On the East by the West Right-of-Way line of Interstate 75 as shown on Florida Department of Transportation Right-of-Way Map Section 87075-2402;

TOGETHER WITH:

That portion of the Southwest one-quarter (SW 1/4) of Section 4, Township 52 South, Range 40 East, Dade County, Florida, being a portion of Tracts 19 through 23 of CHAMBERS LAND COMPANY SUBDIVISION of said Southwest one-quarter (SW 1/4) of said Section 4, according to the plat thereof, as recorded in Plat Book 2, Page 27 of the Public Records of Dade County, Florida, being bounded as follows:

On the South by the South line of said Section 4;

On the North and East by the West Right-of-Way line of Interstate 75 as shown on Florida Department of Transportation Right-of-Way Map Section 87075-2402;

On the West by the Southeasterly Right-of-Way line of the Homestead Extension of Florida's Turnpike as shown on Florida Department of Transportation Right-of-way Map Section 87005-2313;

LESS AND EXCEPTING THEREFROM THE FOLLOWING PARCEL:

Portions of Section 5, Township 52 South, Range 40 East, Dade County, Florida, further described as follows:

That portion of Tract 1, lying South of the South line of the North 130.00 feet of said Section 5, and Tracts 3, 5, 6, 13, 19, 22, 25, 30, 36, 41, 42, 43, 45, 46, 54, that part of Tract 56 lying Northwesterly of the Northwesterly Right-of-Way line of the Homestead Extension of Florida's Turnpike, as shown on Florida Department of Transportation Right-of-Way Maps Section 87005-2313, Tracts 59, and 62 all according to the plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida;

Said lands lying in Dade County, Florida.

LEGAL DESCRIPTION - BROWARD COUNTY

A portion of the North one-half (N 1/2) of Section 28, Township 51 South, Range 40 East, Broward County, Florida, as shown on CHAMBERS LAND COMPANY SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 27 of the Public Records of Dade County, Florida, being bounded as follows:

On the North by the North line of said Section 28;

On the West by the West line of said Section 28;

On the South by the South line of said North one-half (N 1/2) of Section 28;

On the East by the West Right-of-Way line of Interstate 75 as shown on Florida Department of Transportation Right-of-Way Map for Section 86075-2401;

TOGETHER WITH:

A portion of the Southwest one-quarter (SW 1/4) of Section 28, Township 51 South, Range 40 East, Broward County, Florida, as shown on the plat of CHAMBERS LAND COMPANY SUBDIVISION, recorded in Plat Book 2, Page 27 of the Public Records of Dade County, Florida, and all of Section 32, Township 51 South, Range 40 East, Broward County, Florida, as shown on the plat of CHAMBERS LAND COMPANY SUBDIVISION, recorded in Plat Book 1, Pages 5A and 5B of the Public Records of Broward County, Florida (also recorded in Plat Book 2, Page 68 of the Public Records of Dade County, Florida), and including the South one-half (S 1/2) of Section 29, and a portion of the West one-half (W 1/2) of Section 33, both in Township 51 South, Range 40 East, Broward County, Florida, said Sections 29, and 33 are as shown on plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida, and being bounded as follows:

On the North by the North line of said South one-half (S 1/2) of Section 29 and the North line of said Southwest one-quarter (SW 1/4) of Section 28;

On the West by the West line of said Sections 29, and 32;

On the South by the South line of said Sections 32 and 33;

On the East by the West Right-of-Way line of Interstate 75 as shown on Florida Department of Transportation Right-of-Way Map Section 86075-2401;

**LESS AND EXCEPTING THEREFROM
THE FOLLOWING PARCEL:**

Tracts 33, 34, 50, and 56 in the South one-half (S 1/2) of Section 29, Township 51 South, Range 40 East, Broward County, Florida, according to the plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida;

Said lands lying in the City of Miramar, Broward County, Florida.

(3) The designated planning area outside of and surrounding the district required to be established by section 34 shall be bounded by a line twenty (20) feet north and parallel to Pines Boulevard on the north, S.W. 124 Avenue on the east, the L33 Canal on the west in Broward County, and Ludlam Road on the East, U.S. 27 on the west, and N.W. 138th Street on the south in Dade County; provided, however, that the land area included shall not encompass or overlay the area described in subsection (2) of section 21 of chapter 92-132, Laws of Florida.

(4) Definitions.—For purposes of this section, the term:

(a) "Applicable local general-purpose government" means Broward County, the City of Miramar and, unless the Dade County portion of the district is excluded therefrom in accordance with subparagraph (5)(f)2, or section 38, Dade County,

(b) "Outside perimeter boundaries" means, for purposes of the South Florida Sports and Entertainment Special District, the boundaries of the district as legally described in subsection 31(2), deleting therefrom the portion of the descriptions, as to each of Dade County and Broward County, which are set forth under the heading "less and excepting therefrom the following parcel."

(5) Dissolution.—The Board of Supervisors, by unanimous vote, may dissolve the district upon determining that the development of the tourism, sports and entertainment district has not received a development order or has otherwise been abandoned prior to the commencement of any construction of improvements authorized by this act, and provided that, at the time of dissolution, the district does not have any outstanding debt or other obligations. The foregoing shall be in addition to, and not in lieu of, other provisions in the act relating to dissolution of the district.

(6) Powers, duties and limitations.—The South Florida Sports and Entertainment Special District shall have all of the authority, powers, duties and limitations set forth in the act, with the express implementation provisions, definitions, restrictions, and modifications set forth below:

(a) Water, wastewater, and water reuse.—The district must contract with the City of Miramar, within its corporate boundaries, and with Dade County, within its corporate boundaries, or with either of such governments as the City of Miramar and Dade County may arrange by interlocal agreement, for water, wastewater and water reuse services, if such services can be provided in the time frames reasonably needed for development within the district. In the event such services cannot be reasonably provided within the time frame reasonably needed for development in the district and at rates, fees and charges no greater than permitted by law, the district may finance, acquire, plan, design, develop, construct, own, operate, maintain, manage and improve its own facilities for water, wastewater or reuse water. Such facilities shall be designed, constructed, equipped, and improved in accordance with applicable standards of the state and any applicable local general-purpose government. Notwithstanding the provider of such services, the district may finance, acquire, plan, design, develop, construct, own, operate, maintain, manage and improve facilities for water, wastewater or water reuse which may be required within or outside of the district in order to connect to and/or utilize the services being provided by such service provider. Such facilities may be dedicated to the applicable local general-purpose government capable of maintaining the facilities and providing such service if such applicable local general-purpose government agrees to accept the dedication of such facility.

(b) Solid waste collection and disposal.—The board shall have exclusive authority and jurisdiction regarding the collection of solid waste generated by commercial establishments within the district. Disposal of all solid waste generated from the district shall be pursuant to an interlocal agreement between the local general-purpose governments, which agreement shall provide such disposal services, or failing such agreement, solid waste generated within the boundaries of an applicable local general-purpose government with disposal facilities shall be delivered for disposal to such facility as designated by that applicable local general-purpose government for disposal. The district shall not have the authority or power to collect residential solid waste, unless it obtains the consent of the applicable local general-purpose government. The district shall not have any authority or power over recycled materials or to develop or operate its own solid waste disposal facilities, without approval of the applicable local general-purpose government.

(c) Police, fire and emergency medical services.—The board shall contract for fire and emergency medical services with each local general-purpose government as to the portion of the district in which that local general-purpose government is providing such services as of the date of establishment of the district unless, by

agreement, such local general-purpose governments agree upon a single source of such service throughout the district, or other method acceptable to the district and the applicable local general-purpose governments. As to police services, the applicable local general-purpose governments shall have concurrent jurisdiction throughout the district, which jurisdiction shall not be abridged by the arrangements hereafter set forth. The City of Miramar shall act as the primary provider of law enforcement services within the district. The district may enter into a contract with the City of Miramar for specific law enforcement services. The City of Miramar may enter into an interlocal agreement with Dade County or Broward County for the purpose of enhancing the provision of police services throughout the district. The district may employ its own security personnel, licensed pursuant to chapter 493, Florida Statutes, and related equipment and facilities.

(d) Government grants.—Except with respect to grants that may be available for the establishment of sports, entertainment, roads and transportation facilities, the district shall not compete for any grant with any applicable local general-purpose government. Any request for transportation funding shall be reviewed by the applicable Metropolitan Planning Organization, if required by law.

(e) Franchises.—

1. The district's power to grant exclusive or nonexclusive franchises shall supersede any franchise theretofore or hereafter granted by any applicable local general-purpose government for commercial concessions within the tourism, sports or entertainment complex, for commercial solid waste collection within the district, for transportation facilities that operate solely within the district.

2. The district may grant other exclusive or nonexclusive franchises, within the district, which shall also supersede any franchise theretofore or hereafter granted by any applicable local general-purpose government, provided that, with respect to all such franchises other than for commercial concessions within the tourism, sports or entertainment complex, the district shall, in conjunction with the applicable local general-purpose government, determine whether such franchises cause a loss of revenue to the applicable local general-purpose government based upon its then existing franchise agreements, which review shall take into account additional revenues received by the applicable local general-purpose government by virtue of development of the sports and entertainment complex therein in lieu of the approved land use on the effective date of this act, and, to the extent it is determined that the applicable local general-purpose government has suffered such lost revenues, the district shall reimburse the applicable local general-purpose government for same.

3. The district is authorized to enter into an interlocal agreement with an applicable local general-purpose government for the purpose of establishing the amount and payment terms relating to any such franchise fee reimbursement to be made to that applicable local general-purpose government. The district is further authorized to assume all obligations placed upon a landowner in the district under a similar agreement relating to such franchise revenue reimbursement entered into between an applicable local general-purpose government and such landowner prior to establishment of the district, upon a determination by the district that such agreement is in the best interests of the district.

4. The district is specifically prohibited from granting franchises for the provision of electricity, natural gas, local noncellular telephone service, and cable ser-

VICES, and any franchises granted by applicable local general-purpose governments shall apply or continue to apply within the district.

5. Any privately owned transportation service authorized by any applicable local general-purpose government to initiate passenger pickup outside the district and delivery in the district shall not be precluded from doing so by the provisions hereof. Any publicly owned transportation services of any applicable local general-purpose government which authorizes passenger delivery and pickup within the district shall not be affected by the provisions hereof. Any mass transit, publicly owned transportation services of any applicable local general-purpose government or mass transit or special transportation service (under the provisions of the American Disabilities Act) provided by a privately owned service provider under contract (not permit or franchise) with the local general-purpose government which operates within and outside the district, shall not be affected by the provisions hereof. Further, nothing contained herein shall prevent the operation of any ambulance services summoned by the fire rescue agency with jurisdiction within the district.

6. Any franchisee of the district, that is authorized to provide its services both within and outside the district, shall still be required to meet any and all regulatory requirements of any regulatory agency with jurisdiction as to the provision of such services outside of the district.

(f) Annexation and contraction.—

1. In accordance with subsection (5) of section 14, parcels presently outside the district and located within the following boundaries may be annexed into the district with consent of the landowners:

a. On the North by the North line of Sections 28, 29, and 31 all in Township 51 South, Range 40 East, Broward County, Florida;

b. On the South by the South line of Section 31, Township 51 South, Range 40 East, Broward County, Florida and the Northwestern Right-of-Way line of the Homestead Extension of Florida's Turnpike as shown on Florida Department of Transportation Right-of-Way Map for Section 87005-2313;

c. On the West by the West line of Sections 29 and 31, Township 51 South, Range 40 East, Broward County, Florida and the West line of Section 5 and 8, Township 52 South, Range 40 East, Dade County, Florida;

d. On the East by the West Right-of-Way line of Interstate 75 as shown on Florida Department of Transportation Right-of-Way Maps for Sections 86075-2401 and 87075-2402;

LESS AND EXCEPTING THEREFROM THE FOLLOWING
PARCEL:

The Northwest one-quarter (NW 1/4) of Section 29, Township 51 South, Range 40 East, Broward County, Florida and that portion of Tracts 12, 13, 14, 15, and 16, together with a portion of the platted road right-of-way adjacent to said Tracts, in the Northeast one-quarter (NE 1/4) of said Section 29, lying West of a line being parallel with and 527.62 feet East of, as measured at right angles to, the West line of said Northeast one-quarter (NE 1/4) of Section 29 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida.

2. In accordance with subsection (5) of section 14, the board, without landowner consent, may adopt an ordinance contracting the boundaries of the district to exclude therefrom the land lying within Dade County, which land is separately described in this section. The board may adopt such an ordinance upon determining that a development order consistent with the plans for the portion of the tourism, sports, and entertainment district intended to be developed within Dade County will not be obtained or, if for any other reason, the district determines that the plans to develop in Dade County have been abandoned prior to the commencement of any construction of improvements authorized by this act. By its approval of the district's establishment pursuant to section 35, Dade County authorizes the board to adopt a contraction ordinance as provided herein. In the event the district's boundaries are contracted to exclude Dade County, the district shall file a certified copy of the ordinance providing for the contraction with the Office of Special District Information within 30 days after adoption of the ordinance.

(g) Land development and environmental regulations.—

1. The board shall have the exclusive power, within the district, to adopt, implement and enforce land development regulations as defined herein and issue such permits or approvals as may be required thereby. Any such land development regulations and any permits issued thereunder, shall be consistent with the provisions of any applicable and adopted local comprehensive plan, land use plan and development order. At least 60 days prior to their adoption, the applicable local general-purpose government shall be supplied with copies of any such proposed land development regulations and the applicable local general-purpose government must review the regulations proposed by the district for consistency with the provisions of any applicable and adopted local comprehensive plan, land use plan and development order. However, land development regulations are subject to challenge under s. 163.3213, Florida Statutes, by substantially affected persons. For purposes of this subparagraph, an applicable local general-purpose government shall be considered a substantially affected person. The applicable local general-purpose government's failure to review a proposed land development regulation within the time specified in this subparagraph shall not delay the district's adoption of the proposed regulation.

2. For purposes of this section, the term "land development regulation" shall mean: zoning codes, regulations and procedures adopted by the board by ordinance regarding the density or intensity of development, permitted and prohibited uses, site-plan and development criteria, development and design standards, sign regulations, district roadway engineering and technical standards, parking regulations, landscaping regulations, nuisances, and enforcement of Dade County's minimum housing code within the Dade County portion of the district; provided, however, that any regulation adopted by the district related to blasting must meet or exceed the standards established by Broward County. The applicable local general-purpose government shall retain all powers related to land use plan amendments, approval or modification of development orders relating to developments of regional impact, platting, replatting, building permit issuance or enactment and enforcement of building codes, regulation of unsafe structures, contractors' licensing, examinations and enforcement, engineering standards for public improvements that may be dedicated to, maintained or operated by a local general-purpose government and engineering and technical standards related to blasting safety, if blasting is otherwise permitted by the district. A copy of each approved site plan

shall be filed with the local general-purpose government upon application for a building permit.

3. Any land use regulations adopted by the board governing the location and construction of all advertising signs, displays, devices, banners, messages, placards, posters, and devices and the distribution of handbills shall comply with the provisions of this act. To the extent any of the foregoing, including the lighting accompanying same, are located in a manner such that they are visible to residential communities lying outside the boundaries of the district, such signage and accompanying lighting shall also comply with regulations of the applicable local general-purpose government from which it is visible. Notwithstanding the foregoing, the district's jurisdiction shall be exclusive as to regulating entranceway signage and accompanying lighting and the principal advertising sign and accompanying lighting identifying each of the major sports and entertainment facilities within the district. Said exclusive jurisdiction shall not include billboard signs.

4. Notwithstanding the foregoing, the adoption of local environmental regulations shall be within the sole purview of the local general-purpose government charged with such responsibility, and nothing in this act shall be construed to impair or limit the authority of any federal, state, regional, or local governmental agency from exercising their respective powers and enforcing their respective environmental regulations within the district. For purposes of this part, environmental regulations shall include, but not be limited to, regulations identifying, monitoring, enforcing and protecting natural resources and environmental quality with respect to air quality, water quality, wastewater reuse, soil, beach erosion, waterways, well-field protection, raw water supply, hazardous, biohazardous and solid waste management, wetlands, inland, coastal, and marine, animal and plant life, archaeological sites, and other activities associated with the enhancement and protection of the natural resources of Broward County or Dade County which are necessary for the protection and preservation of the public health, safety and general welfare. The district shall not be exempt from providing assurance of financial responsibility that is required by any federal, regional, or state environmental regulatory authority.

5. The board shall have the same authority to enforce regulations adopted pursuant to this section as is granted counties and municipalities by general law.

(h) Operating regulations.—The board shall have exclusive power to adopt, implement and enforce regulations relating to the operation, within the district, of any business, service or event including required licenses, permits, permitted hours of operation, noise limitations, parade permits and all other regulations that are necessary or appropriate to promoting and regulating the operation of the sports and entertainment district. The foregoing shall not be construed as in any way restricting the authority of applicable local general-purpose governments from exercising all consumer protection, land use, land development and environmental authority within the district otherwise contemplated in this act.

(i) Occupational licenses.—Nothing in this section shall prevent any applicable local general-purpose government from requiring occupational licenses within the district in addition to any required by the district.

(7) Certain taxes and assessments or payments in lieu thereof.—In the event that any district property is used to carry out a commercial, industrial or residential enterprise that, but for establishment of the district, is generally owned and

operated by private, non-governmental persons, the district shall not be entitled to any immunity or exemption that would otherwise excuse the district from payment of ad valorem taxes, taxes under part I of chapter 212, Florida Statutes, or non-ad valorem assessments with respect to such property. It is also the intent of the Legislature, that no exemption or immunity from ad valorem taxes or non-ad valorem assessments shall attach to any district property owned or held either for purposes of land banking or otherwise not for bona fide governmental purposes or which lands are designated for future commercial residential or industrial development. Moreover, any property owned by the district outside of its boundaries which is being held or intended to be used for purposes other than those specified in paragraph (2)(t) of section 13, shall be liable for payment of either applicable taxes, assessments or payments in lieu thereof, as set forth herein. In the event any immunity or exemption results in district property being removed from the tax rolls or in district taxes not being due, the district shall cause payment to be made each year to each taxing authority based upon the amount of taxes under part I of chapter 212, Florida Statutes, ad valorem taxes, or non-ad valorem assessments that would have been payable to such taxing authority but for the immunity or exemption. The foregoing shall not require the district to make a payment in lieu of taxes under part I of chapter 212, Florida Statutes, ad valorem taxes or non-ad valorem assessments to a taxing authority with respect to a stadium or arena located within the boundaries of the district which may be constructed upon district property. Such a stadium or arena shall be subject to such ad valorem taxes or non-ad valorem assessments, if any, as are required by other applicable law. Nothing in this act shall be construed to confer any exemption or immunity from state or local taxation upon private, nongovernmental persons or entities. District property or transactions not specifically exempted in this act, or exempted elsewhere in other general law, are subject to tax.

(8) Within the exterior perimeter boundaries of the district are parcels of property that are not included within the initial boundaries of the district. These out-parcels shall receive any and all required public services or facilities through either the district or the applicable local general-purpose government empowered or authorized to provide such services or facilities by the terms of this act or by any interlocal agreement entered into under the authority hereof. The responsible applicable local general-purpose government may enter into an interlocal agreement with the district to allow the district to provide services to any or all of those out-parcels in the same manner as the district provides services within the district. The district services provider shall have the same authority and responsibility to provide such services to the out-parcels as if the out-parcels were within the district. The applicable service provider shall not unreasonably withhold approval of such an agreement as long as the level of services requested for the out-parcels does not exceed those provided by the applicable service provider within its boundaries, and the applicable service provider is able to receive its incremental costs for the provision of such services.

(9) In recognition of the multi-jurisdictional nature of the district, and the difference in powers, duties, responsibilities, population, and size of and impacts on local general-purpose governments, amendments to this act shall take effect as specified in such laws or pursuant to Article III, Section 9 of the State Constitution, provided however that such amendment shall become effective in Dade or Broward County or the City of Miramar upon adoption of ordinances by all applicable local general-purpose governments. Certified copies of each ordinance shall be trans-

mitted to the Office of Special District Information, the Speaker of the House of Representatives, and the President of the Senate within 30 days after adoption. No ordinance adopted by an applicable general-purpose local government shall constitute an amendment to general law.

(10) Study of South Florida Sports and Entertainment Special District.—

No later than January 15, 1995, the Department of Commerce, Division of Tourism and the Florida Sports Foundation, jointly, and in conjunction with the Department of Community Affairs, shall prepare a report and submit its findings to the Speaker of the House of Representatives and the President of the Senate that addresses the following issues regarding the South Florida Sports and Entertainment Special District:

(a) the feasibility of the district's revenue projections from all revenue sources, including, but not limited to ad valorem taxes, non-ad valorem assessments, franchising revenues sources, and any other potential revenues that may be expected by the district;

(b) projected direct and indirect economic benefits of the proposed district facilities on the state, region and applicable local general-purpose governments including sales tax projections, ad valorem tax projections, projected jobs creation and minority participation in said jobs, and other revenue enhancement opportunities for the state, region and applicable local general-purpose governments;

(c) projected impact on tourism of the proposed District facilities for the state, region and applicable local general-purpose governments, including domestic and international markets, and actions that may be taken to increase the ability of the district to attract such markets;

(d) impacts of the district's exercise of its eminent domain power as a method for acquisition of required district property interests;

(e) methods of improving coordination between local governments and the district to address planning issues relating to development both within and outside the district.

The district shall cooperate in the preparation of this study.

Section 32. Severability.—If any provision of this act or the application thereof to any person, government entity, or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act, including modified boundaries, which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 33. Liberal construction.—The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act.

Section 34. Consideration of off-site impacts.—

(1) Due to the multi-jurisdictional nature of a tourism, sports and entertainment district and the likelihood that off-site, secondary impacts will occur adjacent to and surrounding such a district, a designated planning area outside of and surrounding the district shall be established as to each district in the district's establishing act. The planning area so designated shall include areas which are contiguous and most likely to receive direct economic, social, physical, environmental, and

fiscal impacts of the development of the district. After the establishment of the district, if it is determined by the local general purpose government of the jurisdiction within the area that the designated planning area does not adequately incorporate areas most directly impacted by the development of the district, the local general-purpose government shall expand the designated planning area by local comprehensive plan amendment adopted pursuant to section 163.3184, Florida Statutes.

(2) No later than 90 days of the issuance of a final development order under the provisions of section 380.06, Florida Statutes, or a Florida Quality Development under the provisions of section 380.061, Florida Statutes, each local general-purpose government shall prepare a report which assesses and evaluates and makes findings and recommendations with respect to the impacts to the designated planning area which results from the establishment and development of the district. The report must consider and address the following:

(a) The location of land uses and the social and economic effects of such uses in the designated planning area.

(b) The location of areas and resources of state and regional environmental significance and any actions that need to be taken to protect those areas and resources.

(c) The types, locations, and extent of existing and proposed transportation facilities within the designated planning area.

(d) The potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the designated planning area.

(e) If applicable, the maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

(f) The intergovernmental coordination of land and water resource planning activities between local general-purpose governments within the designated planning area that are or will be undertaken as development occurs within the designated planning area.

The Department of Transportation, the Department of Environmental Protection, the Game and Fresh Water Fish Commission, and the applicable water management district shall provide a technical assistance assessment and recommendation to each local general-purpose government within the designated planning area, addressing the issues set forth in subparagraphs (a) through (f) which are within the respective jurisdiction of the agency. The local general-purpose government shall consider the assessment and recommendations of the state and regional agencies and shall submit the report to the state land planning agency for a determination as to whether the report sufficiently addresses the issues required in this subsection. The state land planning agency shall have 90 days within which to review the report utilizing the criteria contained in Rule 9J-5.0053(4), Florida Administrative Code. If the state land planning agency, in consultation with the applicable regional planning council, determines that the report is not sufficient, the local general-purpose government shall, within 90 days of such determination, address the insufficiencies identified in the determination.

(3) No later than 90 days following the finding of sufficiency as provided in subsection (2), each local general-purpose government shall initiate the process to amend its comprehensive plan, or elements or portions thereof, including data and analysis and goals, objectives, and policies, based upon its assessment and evaluation and findings and recommendations developed in accordance with subsection (2). Any local comprehensive plan amendment directly related to the local government report developed in accordance with subsection (2) may be approved without regard to statutory limits as to the frequency of consideration of amendments to a local comprehensive plan.

(4) A local general-purpose government may not amend the future land use map of its comprehensive plan for the designated planning area established pursuant to subsection (1) and its establishing act until it has completed the report required by this section and until the state land planning agency issues a final order determining any plan amendments required to be adopted to implement the assessment and evaluation report to be in compliance in accordance with section 163.3184(9), Florida Statutes, or until the Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with section 163.3184(10), Florida Statutes. This subsection shall not apply to any comprehensive plan amendment which results in a decrease in density or intensity of development, which is adopted in conjunction with a development order approving, approving with conditions, or denying a development of regional impact or any amendment thereto, any site for which a comprehensive plan amendment is pending on the effective date of this act, or any comprehensive plan amendment that provides for the location or relocation of public facilities, including, but not limited to, parks, schools, and water and sewer facilities, or for affordable housing. If the state land planning agency has reason to believe that a violation of this subsection has occurred or is about to occur, the agency may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activities creating the violation.

(5) The requirements of this section are in addition to, and do not supplant, any of the requirements of part II of chapter 163, Florida Statutes.

(6) It is the legislative intent that nothing in this section be construed to delay processing of any application for development approval for any tourism, sports, or entertainment project within the boundaries set forth in section 31 of this act.

Section 35. Subsection (4) of section 288.1162, Florida Statutes, is amended, and subsection (10) is added to said section, to read:

288.1162 Professional sports franchises; spring training franchises; department duties.—

(4) Prior to certifying an applicant as a "facility for a new professional sports franchise," the Department of Commerce must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for a term of at least 10 5 years.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the professional sports franchise exists authorizing the location of the professional sports franchise in this state after July 1, 1990. The term "league" means the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League.

(d) The applicant has projections, verified by the Department of Commerce, which demonstrate that the new professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under part I of chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed \$2 million annually.

(f) The municipality in which the facility for a new professional sports franchise is located, or the county if the facility for a new professional sports franchise is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(10) An applicant shall not be qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the department before any funds were distributed pursuant to s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed pursuant to s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification have been distributed.

Section 36. Paragraph (g) 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 part shall be as follows:

(g) The proceeds of all other taxes and fees imposed pursuant to this part 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 part 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., 9.664 percent for the remaining months of fiscal year 1992-1993, and 9.653 percent thereafter, of the amount remitted by a sales tax dealer located within a participating county pursu-

ant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. Of the remaining proceeds:

a. Beginning July 1, 1992, \$166,667 shall be distributed monthly by the department to each applicant that has been certified by the Department of Commerce as a "facility for a new professional sports franchise" pursuant to s. 288.1162 and \$41,667 shall be distributed monthly by the department to each applicant that has been certified by the Department of Commerce as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification by the Department of Commerce.

b. Beginning 30 days after notice by the Department of Commerce 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.

5. All other proceeds shall remain with the General Revenue Fund.

Section 37. Paragraph (o) is added to subsection (3) of section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(o) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a facility for a new professional sports franchise as defined in s. 288.1162. A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the construction, reconstruction, or renovation of that facility. Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

Section 38. Effective date.—This act shall take effect upon becoming a law, except that the effectiveness of section 31, establishing the South Florida Sports and Entertainment District, shall be further conditioned upon adoption of an ordinance by Dade County, Broward County, and the City of Miramar approving establishment of the district pursuant to this act. A certified copy of each such ordi-

nance shall be delivered to the Office of Special District Information within 14 days after adoption. If such ordinances are not adopted within 90 days after this act becomes a law, section 31 shall not take effect and the district shall not be established. If Broward County and the City of Miramar approve the district's establishment, but Dade County does not, section 31 shall take effect, but the district's boundaries shall be modified to exclude the land within Dade County, which land is separately described in section 31.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-339

Committee Substitute for House Bill No. 1987

An act relating to animal control; amending s. 767.01, F.S.; revising a dog owner's liability for damages; amending s. 767.03, F.S.; revising a good defense for killing a dog; amending s. 767.12, F.S.; revising language with respect to the classification of a dog as dangerous; providing for notification to an owner; reducing a time period for getting a certificate when a dog has been classified as dangerous; amending s. 767.13, F.S.; revising language with respect to an attack or bite by a dangerous dog; amending s. 828.12, F.S.; clarifying acts constituting misdemeanor and felony charges; limiting liability for veterinarians who render services dealing with cruelty to animals; amending s. 828.27, F.S.; providing that the commission of a charged infraction at a hearing related to cruelty to animals must be proven by a preponderance of the evidence; increasing a civil penalty surcharge; providing for continuing education requirements for county-employed animal control officers; requiring all dogs and cats to be vaccinated by a licensed veterinarian; providing an exemption; requiring certification; requiring a standardized vaccination certificate form; authorizing a civil penalty; providing an effective date.

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

Section 1. Section 767.01, Florida Statutes, is amended to read:

767.01 Dog owner's liability for damages to persons, ~~or domestic animals, or livestock.~~—Owners of dogs shall be liable for any damage done by their dogs to a person or to any animal included in the definitions of "domestic animal" and "livestock" as provided by s. 585.01 ~~sheep or other domestic animals or livestock, or to persons.~~

Section 2. 767.03, Florida Statutes, is amended to read:

767.03 Good defense for killing dog.—In any action for damages or of a criminal prosecution against any person for killing or injuring a dog, satisfactory proof that said dog had been or was killing any animal included in the definitions of "domestic animal" and "livestock" as provided by s. 585.01 ~~cattle or sheep~~ shall constitute a good defense to either of such actions.

Section 3. Subsections (1) and (2) of section 767.12, Florida Statutes, are amended to read:

767.12 Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts.—

(1)(a) An animal control authority shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous. Any animal that is the subject of a dangerous dog investigation, that is not impounded with the animal control authority, shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the animal control authority. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred. After the investigation, the animal control authority shall determine if a dog is to be classified as dangerous and shall immediately provide written notification by registered mail or certified hand delivery to the owner of a dog that has been classified as dangerous. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner.

(b) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(c) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of chapter 18 relating to service of process. The owner may file a written request for a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the owner. Each applicable local governing authority shall establish hearing procedures that conform to this paragraph.

(d)(b) Once a dog is classified as a dangerous dog, the animal control authority shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the county court to appeal the classification within 10 business days after receipt of a the written determination of dangerous dog classification notice and must con-

fine the dog in a securely fenced or enclosed area pending a resolution of ~~the~~ his appeal. Each applicable local governing authority must establish appeal procedures that conform to this paragraph.

(2) Within ~~14~~ 30 days after a dog has been classified as dangerous ~~by the animal control authority or a dangerous dog classification is upheld by the county court on appeal~~, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority serving the area in which he resides, and the certificate shall be renewed annually. Animal control authorities are authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of:

- (a) A current certificate of rabies vaccination for the dog.
- (b) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
- (c) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

The appropriate governmental unit may impose an annual fee for the issuance of certificates of registration required by this section.

Section 4. Section 767.13, Florida Statutes, is amended to read:

767.13 Attack or bite by dangerous dog; penalties; confiscation; destruction.—

(1) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under s. 767.12(1)(b). The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(2) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, ~~and the owner of the dog had prior knowledge of the dog's dangerous propensities yet demonstrated a reckless disregard of such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~ In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under s. 767.12(1)(b). The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. In addition, if the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circum-

stances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under s. 767.12(1)(b). The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(4) If the owner files a written appeal under s. 767.12 or s. 767.13(1)(b), the dog must be held and may not be destroyed while the appeal is pending.

(5) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

Section 5. Section 828.12, Florida Statutes, is amended to read:

828.12 Cruelty to animals.—

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily ~~or cruelly beats~~, mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

(2) A person who intentionally commits an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done. A person who tortures any animal with intent to inflict intense pain, serious physical injury, or death upon the animal is guilty of a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

(3) A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his part in an investigation of cruelty to animals.

Section 6. Subsection (3) of section 828.27, Florida Statutes, is renumbered and amended, a new subsection (3) is added to said section, and present subsections (4), (5), and (6) of said section are renumbered, to read:

828.27 Local animal control or cruelty ordinances; penalty.—

(3) The commission of a charged infraction at a hearing authorized pursuant to this chapter must be proven by a preponderance of the evidence.

(4)(a)1. County-employed animal control officers shall, and municipally employed animal control officers may, successfully complete a 40-hour minimum standards training course. Such course shall include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, court-

room demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An animal control officer who successfully completes such course shall be issued a certificate indicating that he has received a passing grade.

2. Any animal control officer who is authorized prior to January 1, 1990, by a county or municipality to issue citations is not required to complete the minimum standards training course.

3. In order to maintain valid certification, every 2 years each certified county-employed animal control officer shall complete 4 hours of postcertification continuing education training. Such training may include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations.

(b) The governing body of a county or municipality may impose and collect a surcharge of up to ~~\$5~~ ~~\$2~~ upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty. The proceeds from such surcharges shall be used to pay the costs of ~~the 40-hour minimum standards training course~~ for animal control officers.

~~(5)~~(4) Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(6)~~(5) The governing body of a county or municipality may require mandatory court appearances for certain aggravated violations of a local ordinance resulting in the unprovoked biting, attacking, or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The citation must clearly inform the person of the mandatory court appearance. The governing body of the county or municipality shall maintain records to prove the number of citations issued to the person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

~~(7)~~(6) Nothing contained in this section shall prevent any county or municipality from enacting any ordinance relating to animal control or cruelty which is identical to the provisions of this chapter or any other state law, except as to penalty. However, no county or municipal ordinance relating to animal control or cruelty shall conflict with the provisions of this chapter or any other state law.

Section 7. Rabies vaccination of dogs and cats.—

(1) All dogs and cats 4 months of age or older shall be vaccinated by a licensed veterinarian against rabies with a United States Government-approved vaccine. The cost of vaccination shall be borne by the animal's owner.

(2) A dog or cat shall not be required to be vaccinated against rabies if a licensed veterinarian has examined the animal and has certified in writing that at such time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. Such exempt animal shall be vaccinated against rabies as soon as its health permits.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate which shall contain, but not be limited to, the following information:

- (a) A serialized certificate.
- (b) The name, address, and phone number of the owner.
- (c) The date of vaccination.
- (d) The expiration date of the vaccination.
- (e) The species, age, sex, color, breed, weight, and name of the animal vaccinated.
- (f) The rabies vaccine manufacturer.
- (g) The vaccine lot number.
- (h) The type and brand of vaccine used.
- (i) The route of administration of the vaccine.
- (j) The signature of the licensed veterinarian.

(4) The Department of Agriculture and Consumer Services shall develop a standardized vaccination certificate form to be used by licensed veterinarians for all dog and cat rabies vaccinations administered on or after January 1, 1995. The department shall provide these certificate forms to licensed veterinarians at cost.

(5) Violation of provisions enacted pursuant to this section shall be a civil infraction, punishable as provided in s. 828.27(2), Florida Statutes.

(6) Nothing in this section shall prohibit or limit municipalities or counties from enacting requirements similar to or more stringent than the provisions of this section for the implementation and enforcement of rabies control ordinances.

Section 8. This act shall take effect October 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-340

Committee Substitute for House Bill No. 1999

An act relating to information resources management; amending s. 20.055, F.S.; encouraging inclusion of electronic data processing auditors on agency internal audit staffs; amending s. 20.22, F.S.; changing the name of the Administrative Management Information Center to the Department of Management Services; amending s. 112.3145, F.S.; providing that members of the Information Technology Resource Procurement Advisory Council are specified state employees for the purpose of financial disclosure; amending ss. 119.083; correcting a cross reference; amending s. 186.021, F.S.; requiring state agency strategic plans to identify informa-

tion resources management needs associated with agency programs; amending s. 186.022, F.S.; requiring the Executive Office of the Governor to consider in its review of state agency strategic plans the findings of the Information Resource Commission with respect to the strategic information resources management issues; amending s. 216.0445, F.S.; requiring the Information Resource Commission to make recommendations on projects to be designated for special monitoring; amending s. 216.163, F.S.; requiring the Governor's recommended budget to include recommendations, including proviso language, designating information resource management projects for special monitoring and designation of the project monitor; amending s. 282.004, F.S.; amending legislative intent with respect to information resources management; creating s. 282.20, F.S.; designating the Technology Resource Center of the Department of Management Services as an information system utility; assigning duties; creating a data processing policy board for the center; specifying members; amending s. 282.303, F.S.; redefining the term "information resources management"; amending s. 282.304, F.S.; providing that the executive administrator of the Information Resource Commission shall be subject to an annual performance contract by the commission; clarifying the independence of the commission; specifying duties of the executive administrator; repealing s. 282.306, F.S., relating to the executive administrator of the Information Resource Commission; amending s. 282.305, F.S.; adding to the duties of the Information Resource Commission; directing the commission to work in conjunction with the Information Resources Management Advisory Council and the Department of Management Services when agencies request assistance with specified projects; changing the date for submitting information resources management issues for inclusion in the legislative budget instructions; requiring the Information Resource Commission to prepare a list of the projects designated for special monitoring in the General Appropriations Act and submitting the list to designated recipients; requiring the Information Resource Commission to develop recommendations on streamlining data centers; correcting a cross reference; amending s. 282.3061, F.S.; requiring the State Strategic Plan for Information Resources Management to include a description of the projects designated for special monitoring; requiring the executive administrator to provide quarterly progress reports to the commission on the implementation of such plan; amending s. 282.3062, F.S.; changing the date for submission by the Board of Regents of its annual report on information resources management; amending s. 282.307, F.S.; making agency information resources management plans consistent with agency strategic plans; amending s. 282.308, F.S.; correcting terminology to conform; amending s. 282.312, F.S.; requiring agency annual performance reports to include an explanation of notable difficulties incurred during the course of an information resource management project; requiring the reports to also include an assessment of information resources management issues relating to personnel; amending s. 282.313, F.S.; authorizing data processing boards to expend funds for specified research and development projects; authorizing specified agreements; amending s. 282.314, F.S.; authorizing the Information Resources Management Advisory Council to provide assistance to state agencies upon request; requiring the council to advise the Department of Management Services; amending s.

282.318, F.S.; relating to security of data and information technology resources; requiring agencies to note the percentage of critical applications that have contingency plans; creating s. 282.322, F.S.; creating a special monitoring process for designated information resources management projects; providing for contracting for project monitors; providing for reports; amending s. 287.073, F.S.; requiring the Information Technology Resource Procurement Advisory Council to review certain additional contracts; requiring major changes to projects subject to the council's review to be considered by the council and other original approval authorities; providing a definition; requiring council review of certain project contracts and contract dissolutions before their execution; prescribing duties of the council relating to contract review and inclusion of specified provisions; modifying the membership of the council, requiring council action to be a majority of those present; amending ss. 6 and 8, ch. 93-278, L.O.F., extending the date for the Department of Management Services to develop criteria for delegating varying levels of purchasing authority to agencies; extending the date for the Department of Management Services to develop model contracts for information technology resources acquisitions; specifying certain requirements for the model contracts; requiring the Department of Management Services to develop model procurement documents for information technology resources; requiring a report by the Department of Management Services; requiring the Department of Management Services to establish a negotiating team for information technology resources; requiring the Information Resource Commission to contract for a baseline assessment of all state data centers; specifying contract requirements; providing for an effective date.

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

Section 1. Subsection (9) is added to section 20.055, Florida Statutes, to read:
20.055 Agency chief internal auditors.—

(9) Each agency chief internal auditor shall, to the extent both necessary and practicable, include on his staff individuals with electronic data processing auditing experience.

Section 2. Subsection (3) of section 20.22, Florida Statutes, is amended to read:
20.22 Department of Management Services.—There is created a Department of Management Services.

(3) The Division of Information Services shall operate and manage the Technology Resource Administrative Management Information Center.

Section 3. Paragraph (b) 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:

(b) "Specified state employee" means:

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

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

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

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

5. Business managers, purchasing agents having the power to make any purchase exceeding \$1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any voting member of the Information Technology Resource Procurement Advisory Council established in the Department of Management Services by s. 287.073.

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

8.7. Each employee of the Commission on Ethics.

Section 4. Paragraph (b) of subsection (1) of section 119.083, Florida Statutes, is amended to read:

119.083 Copyright of data processing software created by governmental agencies.—

(1) As used in this section:

(b) "Data processing software" has the same meaning as in s. 282.303(8)(6).

Section 5. Subsection (1) of section 186.021, Florida Statutes, is amended to read:

186.021 State agency strategic plans.—

(1) A state agency strategic plan shall be a statement of the priority directions an agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and authorizations given to the agency. Each state agency strategic plan must identify infrastructure, ~~and~~ capital improvement, and information resources management needs associated with agency programs; and shall specify those objectives against which will be judged the agency's achievement of its goals and the goals of the state comprehensive plan.

The state agency strategic plan shall be consistent with and shall further the goals of the state comprehensive plan.

Section 6. Subsection (3) of section 186.022, Florida Statutes, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include the findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan and the findings of the review of the Information Resource Commission with respect to the strategic information resources management issues. Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions.

Section 7. Subsections (2) and (3) of section 216.0445, Florida Statutes, are renumbered as subsections (3) and (4) respectively, and a new subsection (2) is added to said section to read:

216.0445 Budget evaluation by the Information Resource Commission.—

(2) The executive administrator of the Information Resource Commission shall make recommendations to the Executive Office of the Governor and the appropriations committees of the Legislature on projects that should be considered for special monitoring under s. 282.322. In making such recommendations, the executive administrator shall consider, at a minimum, the scale of the project, the risks associated with its development and implementation, the proposed schedule for implementing the project, and the estimated project costs. Such recommendations shall be made concurrently with the commission's legislative budget recommendations pursuant to subsection (1).

Section 8. Paragraph (i) of subsection (2) of section 216.163, Florida Statutes, is renumbered as paragraph (j), and a new paragraph (i) is added to said section to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(i) The Governor's recommendations for critical information resource management projects which should be subject to special monitoring under s. 282.322. These recommendations shall include proviso language which specifies whether funds are specifically provided to contract for project monitoring, or whether the Auditor General will conduct such project monitoring. When funds are recommended for contracting with a project monitor, such funds may equal 1 percent to 5 percent of the project's estimated total costs. These funds shall be specifically appropriated and non-recurring.

Section 9. Subsections (5) and (6) of section 282.004, Florida Statutes, are amended to read:

282.004 Legislative intent with respect to information resources management and paperwork reduction.—The Legislature finds and declares that:

(5) The effective management of information resources requires the formulation of specific statewide management and technical policy guidelines; comprehensive planning of the design, acquisition, implementation, security, and use utilization of communications systems and information technology resources; continuing oversight of critical state information resources and their development; and the operation of communications systems and information technology resources that respond to the demands for information generated by users and managers.

(6) Although each department has should have primary responsibility for its information resources management, centralized management groups must also exist to provide statewide rules and standards, monitor and report on ensure compliance with those rules and standards, provide management and technical assistance, and ensure that the information resources management needs of state government are considered along with the needs of the individual departments and the public.

Section 10. Section 282.20, Florida Statutes is created to read:

282.20 Technology Resource Center—

(1)(a) The Division of Information Services of the Department of Management Services shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. “Department” means the Department of Management Services.

2. “Division” means the Division of Information Services of the Department of Management Services.

3. “Information-system utility” means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services to state agencies.

(2) The division and the Technology Resource Center shall:

(a) Serve the department and other state agencies as an information-system utility.

(b) Cooperate with the Information Resource Commission and with other state agencies to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the Division of Communications of the department to facilitate interdepartmental networking and integration of network services for state agencies.

(e) Assist state agencies in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The division may contract with state agencies to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4)(a) There is created for the Technology Resource Center a data processing policy board as provided in s. 282.313.

(b) In addition to the members of the policy board provided in s. 282.313, the following ex officio members are appointed to the data processing policy board of the Technology Resource Center: the Executive Director of the Information Resource Commission, the Director of the Division of Communications of the Department of Management Services, and the chair of the coordinating council to the Florida Fiscal Accounting Management Information System, as created in s. 215.96, or their respective designees. The ex officio members provided in this subsection shall vote and serve in the same manner as other policy board members.

Section 11. Subsection (12) of section 282.303, Florida Statutes, is amended to read:

282.303 Definitions.—For the purposes of ss. 282.303-~~282.322~~ ~~282.313~~, the term:

(12) “Information resources management” means the planning, budgeting, acquiring, developing, organizing, directing, training, and control associated with government information resources. The term encompasses ~~both~~ information itself and ~~the~~ related resources, as well as the controls associated with their acquisition, development, dissemination, and its use.

Section 12. Subsection (2) of section 282.304, Florida Statutes, is amended, and subsections (3) and (4) are added to said section to read:

282.304 Information Resource Commission.—

(2) An executive administrator of the commission shall be appointed by the Governor with the approval of three members of the Cabinet, subject to confirmation by the Senate, and shall serve at the pleasure of the commission, subject to an annual formal performance contract with the commission.

(3) The commission shall be a separate budget entity, and the executive administrator shall be its chief administrative officer. The Department of Management Services shall provide administrative support and service to the commission to the extent requested by the executive administrator. The commission and its staff are not subject to control, supervision, or direction by the Department of Management Services in any manner, except to the extent as provided in chapters 110, 216, 255, 282 and 287 for agencies of the executive branch.

(4) The executive administrator of the commission is responsible for all administrative functions of the commission. These functions may include preparation of the annual budget, hiring staff, purchasing, and other duties delegated by the commission.

Section 13. Paragraphs (d)-(g) of subsection (1) of s. 282.305 are amended, paragraphs (h), (i) and (j) of said subsection are renumbered as (j), (k), and (l) respectively, new paragraphs (h) and (i) are added to said subsection, and subsection (2) of section 282.305 is amended to read:

282.305 Information Resource Commission; Board of Regents; powers and duties.—

(1) The Information Resource Commission shall:

(d) Develop, publish, monitor, and report on ensure compliance with policies, procedures, and standards relating to information resources management, including, but not limited to, state policies on data administration, information systems development, and computer security.

(e) Coordinate and make available to state agencies provide for an information resources management and paperwork reduction training program designed to serve the technical and managerial needs of government, including, but not limited to, project management and paperwork reduction.

(f) Provide technical and managerial assistance relating to information resources management and paperwork reduction when requested by a department and, to the extent practicable, serve as a clearinghouse, in conjunction with the Information Resources Management Advisory Council created pursuant to s. 282.314 and the Department of Management Services, with respect to core skills, including, but not limited to, project management, testing and evaluation, request-for-proposal development, contract negotiation, and alternative dispute resolution. The technical and managerial assistance shall be available as needed to state agencies that desire assistance in the engagement in or management of information technology resource projects. Requests by agencies for assistance must be directed to the entity with the appropriate expertise.

(g) Identify, develop, and recommend to the Executive Office of the Governor and the appropriations committees of the Legislature, by April June 15 of each year, issues relating to information resources management to be considered for inclusion in the legislative budget instructions to the agencies prepared pursuant to s. 216.023(3).

(h) Prepare, by June 15 of each year, a list of projects included in the General Appropriations Act which are subject to special monitoring under s. 282.322. The commission shall forward the list of such projects to each of the affected agencies, the Auditor General, the Joint Legislative Auditing Committee, and the Legislative Information Technology Resource Committee.

(i) In consultation with the Information Resources Management Advisory Council, identify, develop, and submit recommendations to the Executive Office of the Governor, President of the Senate, and Speaker of the House of Representatives for streamlining data centers and other computing facilities, including measures for managing excess capacity at multiple facilities, and providing for standardization and fewer facilities.

(h) (j) Adopt rules to implement this act.

(i) (k) Contract with other governmental agencies and persons pursuant to part 1 of chapter 287.

(j) (l) Ensure implementation of and compliance with provisions relating to the Florida Fiscal Accounting Management Information System information resources management plan established pursuant to s. 215.96 and require a department, when applicable, to submit a detailed report as to the reasons for its failure to im-

plement or comply with such provisions the report shall be in a format prescribed by the commission.

(2) The Board of Regents shall perform the functions described in paragraphs (1)(a), (c)-(e), (k), and (l) (1)(a)-(f), (h), and (i) for the State University System including providing technical and managerial assistance relating to information resource management and paperwork reduction when requested by a university. The Board of Regents is authorized to adopt rules as may be necessary to carry out the duties and authority conferred upon the board by this chapter. The Board of Regents shall consult with the Information Resource Commission and seek the recommendations of the commission relating to information resources management prior to adopting information resources management policies and standards for the State University System. If the Board of Regents does not follow the recommendations of the commission, the board shall file with the commission a written explanation of its decision relating to such recommendations.

Section 14. Section 282.306, Florida Statutes is repealed.

Section 15. Paragraph (f) is added to subsection (1) of section 282.3061, Florida Statutes, and subsection (8) is added to said section, to read:

282.3061 State Strategic Plan for Information Resources Management.—

(1) The executive administrator of the Information Resource Commission shall prepare for the commission's review and approval a State Strategic Plan for Information Resources Management by February 1 of each even-numbered year. The plan shall accurately reflect and provide for the implementation of the goals and policies of the State Comprehensive Plan. The State Strategic Plan for Information Resources Management shall:

(f) Include a list and description of the information resources management projects that have been designated for special monitoring in the General Appropriations Act.

(8) The executive administrator shall provide progress reports to the commission on the implementation of the State Strategic Plan for Information Resources Management on a schedule determined by the commission.

Section 16. Subsection (2) of section 282.3062, Florida Statutes, is amended to read:

282.3062 Annual Report on Information Resources Management.—

(2) By February 1 of each year, the Board of Regents shall prepare an annual report on information resources management within the State University System within 30 days after completion of the expenditure analyses developed pursuant to s. 240.271(4). The report shall include applicable information specified in subsection (1).

Section 17. Subsection (1) and paragraph (a) of subsection (2) of section 282.307, Florida Statutes, are amended to read:

282.307 Strategic Plan for Information Resources Management; penalty for noncompliance.—

(1)(a) Except as provided in s. 282.308, each department shall submit to the commission a Strategic Plan for Information Resources Management in a format

prescribed by the commission, no later than May 1 of each even-numbered year. Such plan shall support and further the ~~agency strategic policies and objectives of the department's functional~~ plan required pursuant to s. 186.021 and the ~~goals and policies of the State Strategic Plan for Information Resources Management~~ approved by the commission.

(b) The plan shall include:

1. A statement of the department's mission, goals, and objectives.
2. A statement of the strategic objectives of the department relating to information resources management and paperwork reduction for the next 4 fiscal years, commencing with the ensuing odd-numbered fiscal year, which help achieve the department's mission, goals, and objectives, and a description of how these strategic objectives support and further the agency strategic plan and goals and policies of the State Strategic Plan for Information Resources Management approved by the commission.

3. The major projects required to meet the strategic information resource management and paperwork reduction objectives, the major resources required for those projects, the estimated schedule for the proposed projects, ~~and the estimated total costs of the projects, and how the projects support and further the agency strategic plan.~~

4. The information architecture of the department, to include a common application component and a common data structure component.

5. The technology architecture of the department, to include a computing component, a data network component, and an infrastructure component.

6. A summary of the communications needs of the department and the estimated cost of meeting those needs for the next 2 fiscal years commencing with the ensuing odd-numbered fiscal year.

7. Other planning components that the commission may prescribe.

(c) A plan shall not be considered a "rule" as defined in chapter 120.

(2)(a) The commission shall develop instructions, in consultation with the Executive Office of the Governor and the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and, for the communications components of the plan, in consultation with the Division of Communications of the Department of Management Services, that describe the planning components, specify format, and specify the criteria upon which the plan will be reviewed and evaluated. The criteria shall evaluate whether the plan supports and furthers the ~~policies and objectives of the agency strategic~~ department's functional plan required under s. 186.021 and the ~~goals and policies of the State Strategic Plan for Information Resources Management~~ approved by the commission; whether the plan makes effective and efficient use of technology in support of the department's information needs; and whether the plan is technically feasible. The instructions shall be transmitted to each department no later than February 1 of each even-numbered year.

Section 18. Subsection (2) of section 282.308, Florida Statutes, is amended to read:

282.308 State University System information resources management plan.—

(2) The Chancellor of the State University System Board of Regents shall review, recommend modifications to, and approve each university plan and shall provide a copy of each university's approved plan and a copy of the approved State University System Strategic Information Resources Management Plan to the commission by May 1 of each even-numbered year. Such plans are not subject to approval by the commission, but shall support and further the goals and objectives of the master plan required pursuant to s. 240.209(3)(j), ~~the policies and objectives of the agency strategic functional plan prepared by the Department of Education pursuant to s. 186.021, and the goals and policies of the State Strategic Plan for Information Resources Management specified in s. 282.3061.~~

Section 19. Section 282.312, Florida Statutes, is amended to read:

282.312 Annual Performance Reports.—

(1)(a) By November 1 of each year, and, for the State University System, within 30 days after completion of the expenditure analyses developed pursuant to s. 240.271(4), each information resource manager shall prepare and submit to the Information Resource Commission an Annual Performance Report describing the agency's information resources management activities for the previous fiscal year. Following consultation with the Legislative Information Technology Resource Committee, the commission shall prescribe the format for the Annual Performance Report; except for the report on the information resources management of the State University System, the format of which shall be prescribed by the Chancellor of the State University System Board of Regents, with the consultation of the committee. However, those sections of the report dealing with expenditures shall use the data codes and chart of accounts prescribed for use within all agencies by the State Automated Management Accounting Subsystem.

(b) The Annual Performance Report shall contain the following:

1. An assessment of the progress made toward implementing the agency's projects in its Strategic Plan for Information Resources Management, including an explanation of notable difficulties incurred by the agency during the course of implementing an information technology resource project and the reasons for those difficulties. For the purposes of this paragraph, the term "notable difficulties" means problems or delays that arise, the materiality of which has a deleterious effect on the agency's ability to timely meet the objectives in its Strategic Plan for Information Resources Management. The agency shall determine the materiality threshold, dependent upon its own assessment of its information resource management function.

2. An assessment of the progress made toward implementing the agency's legislative appropriation for information resources management.

3. A comparison of the agency's estimated expenditures for information resources management for the prior fiscal year and the appropriations for those resources contained in the agency's approved budget. Major differences between the expenditures and the approved budget shall be noted and justified.

4. An inventory list, by major categories, of the agency's communications and information technology resources, and specifically identifying the resources acquired during the previous fiscal year.

5. An assessment of opportunities for agency participation in multiagency information resources management activities.

6. A summary of the activities undertaken to reduce paperwork, and any recommendations for modifying or eliminating reporting requirements and forms pursuant to s. 282.3051.

7. An assessment of the human resources issues associated with performance of information resources management, including the annual rate of information system personnel turnover, by job classification, and a summary assessment of the agency's current skills and abilities compared to the skills and abilities needed to accomplish the agency's business requirements. The commission, in conjunction with the Information Resources Management Advisory Council, shall develop uniform definitions and methodologies for the information required by this subparagraph.

(2) Each agency shall provide a copy of its Annual Performance Report to the commission, the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General by November 1 of each year.

(3) If any information resource manager fails to comply with this section without good cause, the Executive Office of the Governor may withhold release of appropriations of that portion of the operating budget of the agency that pertains to expenditures for information resources management generally, or an information technology resource project specifically, until the Executive Office of the Governor is satisfied with the agency's compliance.

Section 20. Subsection (4) of section 282.313, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

282.313 Data processing policy boards.—

(4) The data processing policy board may approve expenditures derived from the overall rate structure of the data processing center, not to exceed 5 percent of the gross services billings to all users in any fiscal year, to design, demonstrate, and conduct research and development for advanced information technology solutions to information processing problems. The data processing center may enter into agreements with private industry and federal, state, and local governments in designing, demonstrating, or developing such technologies which offer the potential to improve efficiency and reduce the cost of state operations. A majority vote of the policy board shall be required prior to all such expenditures. The data processing center shall report on such activities in its department's annual performance report on information technology resources pursuant to s. 282.312.

Section 21. Section 282.314, Florida Statutes, is amended to read:

282.314 Information Resources Management Advisory Council.—

(1) There is created an Information Resources Management Advisory Council to advise the executive administrator of the Information Resource Commission and the Secretary ~~director of the Division of Communications~~ of the Department of Management Services regarding any matter relating to information resources management. The council is also authorized to assist any state agency requesting aid under s. 282.305(1)(f).

(2) The Governor and Cabinet members shall each appoint one information resource manager to serve on the council. Additional members shall be: the ~~chairmen~~ chairs of the Florida Fiscal Accounting Management Information System coor-

dinating council, the Florida Growth Management Data Network Coordinating Council, and the Florida Information Resource Network Coordinating Council; the information resource managers for the state courts system and the State University System; one information resource manager selected by the state attorneys; one information resource manager selected by the public defenders; and three other information resource managers selected by the information resource managers within the state to represent the needs of the remaining departments.

(3) The council shall annually elect a ~~chair~~ chairman from among its members. The Information Resource Commission and the Department of Management Services shall provide the necessary staff support to the council. The council shall meet at least quarterly, upon the call of the ~~chair~~ chairman.

Section 22. Subparagraph 8 of paragraph (a) of subsection (3) of section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(3)(a) Each head of a department is responsible for assuring an adequate level of security for all data and information technology resources within the department and, to carry out this responsibility, shall, at a minimum, ~~he shall~~:

8. Certify annually to the Information Resource Commission that the security program for data and information technology resources conforms with the standards and policies developed by that commission and planned for implementation in the agency strategic plan for information resources management. If the department is unable to certify such conformance, it shall notify the Information Resource Commission in writing, stating the deficiencies and the reasons for its non-conformance. As part of the annual certification process, agencies shall also note the percentage of critical applications, as defined by the agency, that have a current, tested contingency plan in the event of a disaster.

Section 23. Section 282.322, Florida Statutes, is created to read:

282.322 Special monitoring process for designated information resources management projects.—For each information resources management project which is designated for special monitoring in the General Appropriations Act, with proviso requiring a contract with a project monitor, the Information Resource Commission, in consultation with each affected agency, or the Board of Regents for each affected university, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Information Resource Commission or the Board or Regents as appropriate upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the Office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agen-

cy has completed a major stage of its designated project, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, and the Legislative Information Technology Resource Committee. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

Section 24. Paragraphs (a), (b) and (c) of subsection (5) of section 287.073, Florida Statutes, are amended to read:

287.073 Procurement of information technology resources.—

(5)(a) There is created within the Department of Management Services the Information Technology Resource Procurement Advisory Council to function on a continuing basis. The council shall review and make recommendations to the agencies regarding agency single-source certification requests for information technology resources which have a 2-year total cost in excess of \$500,000. Continuation of annual hardware or software maintenance or software licensing agreements are exempt from review by the council unless required by the division. The review shall be made prior to the request being filed with the division. The council shall also review and recommend to the agencies modifications regarding agency invitations to bid or requests for proposals for information technology resources which have a 2-year total cost in excess of \$1 million. The review shall be made prior to the issuance of the invitation to bid or the request for proposals. When specifications have been modified through discussions with qualified offerors, the council shall review the modifications prior to the submittal date stated in the request for proposals. Except for emergency purchases under s. 287.057, the council shall also review and make recommendations regarding agency acquisitions by any other method of acquiring information technology resources which have a 2-year total cost in excess of \$500,000. The review shall be made prior to acquisition. Additionally, upon determination by an agency that an information technology resource project subject to review by the council must undergo a major change, documentation relating to the change must be forwarded to the council and to all other state agencies involved in approval of the project for comment and review before the measure's execution. For the purposes of this subsection, "major change" means any alteration to the course of a project which, regardless of its expected initial impact, the agency may reasonably anticipate will ultimately have a substantial impact on the overall cost of the project or on its policy direction. Additionally, agreements between state agencies and vendors to dissolve project contracts and the terms of such agreements, including agreements not to exercise optional contractual periods, shall be forwarded to the council for comment before their execution. The council shall also review, regardless of the total cost, contracts for project monitoring pursuant to s. 216.163. The acquisition of a system that collectively includes data processing hardware, software, and services shall not be divided to avoid the requirements of this subsection.

(b) The council shall review the agency's information technology resource needs and shall examine the agency's proposed method of acquisition and the procurement specifications to ensure that such method and specifications are appropriate to meet the agency's needs, support fair and open competition, and are not unduly restrictive. The council shall also review an agency's proposed information technology resource contracts to ensure that, where applicable, such contracts are divided into discrete deliverables in accordance with the information system development methodology of the agency; that the contracts include provisions specifying the conditions needed to satisfactorily accomplish the deliverables contained therein, including the estimated time necessary to complete each deliverable, and; that the contracts include dispute resolution procedures with clearly delineated time frames for both agency and vendor actions.

(c) The council shall be composed of the director of the Division of Purchasing of the Department of Management Services, the executive administrator of the Information Resource Commission, ~~and~~ the director of the office of planning and budgeting of the Executive Office of the Governor, and the director of the Division of Accounting and Auditing of the Department of Banking and Finance, or their respective designees. A representative of the Comptroller's office shall serve as a nonvoting member to advise the council on matters relating to financing and leasing information technology resources. The information resource manager of the agency ~~that~~ which is acquiring the information technology resource, or his designee, shall serve as an ex officio member on the council without voting rights. The director of the Division of Purchasing shall serve as chairman and shall provide clerical and staff support to the council. The chairman shall call a meeting of the council as often as necessary to transact business. All actions of the council must ~~shall~~ be by majority vote of members present based on a simple majority. A copy of the council's written recommendations to an agency shall be provided to the Governor and Cabinet.

Section 25. Sections 6 and 8 of chapter 93-278, Laws of Florida, are amended to read:

Section 6. ~~The Division of Purchasing of the~~ Department of Management Services shall develop criteria for delegating varying levels of purchasing authority to the agencies in the purchase of information technology resources and report them to the Joint Committee on Information Technology Resources by ~~October December 1, 1994 1993~~, including recommendations for further action.

Section 8. ~~The Division of Purchasing of the~~ Department of Management Services, in consultation with the Information Resource Commission and the Information Resources Management Advisory Council, shall, by ~~October December 1, 1994 1993~~, develop model contracts for information technology resources acquisitions for use by state agencies. Such model contracts shall include, but not be limited to, provisions that:

(1) Allow for changes in the work, with associated payment adjustments in the contract sum, when certain events occur which have the effect of changing the conditions under which the work was originally specified and described in the contract.

(2) Delineate clearly parameters for benchmarking or capacity testing, as well as independent verification of results, if applicable to a given project.

- (3) Prescribe reasonable time frames for any necessary end-user training.
- (4) Include a dispute resolution process with clearly delineated time frames.
- (5) Provide for technology substitutions and additions which would allow the contractor to propose newer commercial equipment that could be substituted for the originally proposed equipment if the newer equipment enhances performance at no additional cost.
- (6) Encourage value engineering processes intended to reduce the overall projected cost to an agency by allowing contractors to submit change proposals that would still meet the specifications but save agencies money.
- (7) Allow contractors to substitute, upgrade, modify, or add new technological features.

Section 26. The Department of Management Services, in direct consultation with the Information Resources Management Advisory Council created by section 282.314, Florida Statutes, and the Information Resource Commission, shall, to the extent allowable by resources, by October 1, 1994, develop model procurement documents for information technology resource acquisitions. Such model procurement documents for information technology resource acquisitions, shall include, but are not limited to, provisions that:

- (1) Provide general guidelines for technical specifications development.
- (2) Delineate proposal evaluation methodologies.
- (3) Demonstrate benchmarking and capacity testing processes.
- (4) Establish parameters for acceptance testing.
- (5) Address technical training issues.
- (6) Advise agencies on the performance of risk assessments.
- (7) Provide assistance to agencies on maintenance issues.
- (8) Formulate standard policies on warranties.
- (9) Prescribe guidelines on issues relating to performance bonds.

Section 27. The Department of Management Services shall, upon consultation with the Information Resources Management Advisory Council created by section 282.314, Florida Statutes, and the Information Resource Commission, as well as any other parties it deems appropriate, by December 1, 1994, report on the potential applicability to information technology services procurements of provisions similar to those contained in the Consultants' Competitive Negotiation Act, section 287.055, Florida Statutes, to the Speaker of the House of Representatives, President of the Senate, and the Legislative Information Technology Resource Committee. The report shall contain, but is not limited to, the following:

- (1) The advisability of applying a procurement approach similar to that in section 287.055, Florida Statutes, to information technology services.
- (2) Existing statutory authority, or lack thereof, to treat information technology services procurements in such a fashion.
- (3) The need for any legislation authorizing such an approach, if such an approach is advisable.

(4) Procedures for the negotiation of contracts, including the use of criteria such as those utilized for best value procurement and evaluations.

Section 28. Contingent upon funding in the General Appropriations Act the Department of Management Services shall establish a permanent team for contract negotiations including a chief negotiator, to specialize in the procurement of information technology resources.

Section 29. In addition to the provisions of section 282.305, Florida Statutes, the Information Resource Commission shall examine and develop recommendations for the streamlining of data centers and other computing facilities, including measures to manage excess capacity at multiple facilities and provide for data administration, standardization, and fewer facilities, and shall submit those recommendations by December 31, 1994, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. Contingent upon funding appropriated in the General Appropriations Act, the Information Resource Commission shall use such funds to contract for a baseline assessment for all state data centers and for support of Information Resource Commission requirements for budget recommendations and Information Technology Resource Procurement Advisory Council reviews. A request for proposals shall be prepared and issued by the Information Resource Commission requesting the contractor to provide recommendations for state data centers that will streamline operations, eliminate excess capacity at multiple facilities, provide for migration to different architectures, provide for standardization, and for fewer facilities. Deliverables by the contractor shall also include executive summaries and presentations for the Legislature. The Information Resource Commission shall report the results of the assessments and detailed recommendations to the Legislature by December 31, 1994. The recommendations shall include identifying data centers which may be effectively consolidated to include at least two of the state data centers to be consolidated in an initial phase, as well as efficiency measures which could be implemented in the remaining data centers. In developing these recommendations, the IRC shall take into consideration the following data centers and other computing facilities: Revenue Management Information Center, State Comptroller's Data Center, Treasurer's Management Information Center, Caldwell Data Center, HRS Data Center, Justice Data Center, Kirkman Data Center, Law Enforcement Data Center, Agriculture Management Information Center, Burns Data Center, Environmental Regulation (Twin Towers), Natural Resources Data Center, Administrative Management Information Center (Technology Resource Center), Corporations Data Center, Elections Data Center, Licensing Data Center, Health Care Cost Containment, Tolls Data Center, Emergency Management, Retirement Data Center, Business and Professional Regulation, State Board of Administration, and the State Library.

Section 30. This act shall take effect July 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-341

Committee Substitute for House Bill No. 2025

An act relating to boating; directing the Department of Environmental Protection to mark a navigation channel within Silver Glen Run and Silver Glen Springs and to establish permanent anchorage buoys and restrictions; providing for penalties; providing an effective date.

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

Section 1. The Department of Environmental Protection is hereby directed to mark a navigation channel within Silver Glen Run and Silver Glen Springs, located on the western shore of Lake George on the St. Johns River.

Section 2. The department is further directed to establish permanent anchorage buoys within Silver Glen Run and Silver Glen Springs.

Section 3. Vessel anchorage or mooring shall only be allowed utilizing permanently established anchorage buoys. No vessel shall anchor or otherwise attach, temporarily or permanently, to the bottom within Silver Glen Run or Silver Glen Springs.

Section 4. Any violation of this act shall constitute a violation of the boating laws of this state and shall be punishable by issuance of a uniform boating citation as provided in s. 327.74, Florida Statutes. Any person who refuses to post a bond or accept and sign a uniform boating citation, as provided in s. 327.73(3), Florida Statutes, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 5. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-342

House Bill No. 2027

An act relating to restitution; creating the "Florida Civil Restitution Lien and Crime Victims' Remedy Act of 1994"; providing for imposition of a restitution lien upon real and personal property owned by a convicted offender; providing legislative findings and intent; providing definitions; providing for lien attachment and specifying liability of the offender; prescribing requirements and procedures for civil restitution lien orders; providing for a schedule of liquidated damages and a schedule of correctional costs; providing for construction and severability; amending s. 960.07, F.S.; revising provisions with respect to the filing of claims for compensation under the Florida Crimes Compensation Act; providing for applicability of section; amending s. 960.13, F.S.; providing that payments made

under the act shall be considered payment of last resort that follows all other sources; revising provisions with respect to awards; providing for an award for mental health care for a minor whose normal emotional development was adversely affected by being the victim of a crime; amending s. 960.14, F.S.; providing that where a claimant under the act owes money to the Crimes Compensation Trust Fund the amount owed shall be reduced from the award; providing that payment made to a service provider is considered payment in full for services rendered to the victim; amending s. 960.17, F.S.; providing that certain payments under the act shall create an obligation of restitution; amending s. 960.20, F.S.; providing that certain costs are considered assessed unless specifically waived by the court; providing that certain costs shall be included in a judgment; amending s. 960.28, F.S.; revising provisions with respect to payment for victims' initial examinations; providing for future repeal; requiring a report; creating s. 624.128, F.S.; providing that certain insurance provisions are not applicable to a person eligible under the Florida Crimes Compensation Act; amending s. 775.0835, F.S.; providing that certain costs are considered assessed unless specifically waived by the court; amending s. 775.089, F.S.; providing that payment of an award by the Crimes Compensation Trust Fund shall create an order of restitution; redefining the term "victim"; expanding the scope of restitution orders; providing for the conversion of certain orders to a judgment; amending s. 960.001, F.S.; directing the Executive Office of the Governor to determine when an agency needs to amend or modify existing guidelines for fair treatment of victims and witnesses; requiring agencies to file certain additional documents with such office; requiring such office to issue an annual report detailing agency compliance with the guidelines; conforming a cross reference; amending s. 39.022, F.S.; conforming a cross reference; amending s. 921.187, F.S.; revising provisions with respect to restitution orders; providing for priority of certain liens; providing an effective date.

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

Section 1. Short title.—This act may be cited as the "Florida Civil Restitution Lien and Crime Victims' Remedy Act of 1994."

Section 2. Legislative findings and intent.—The Legislature finds that former approaches to the problem of compensating crime victims through restitution have proven inadequate or have been inconsistently applied in many cases. The Legislature also finds that there is an urgent need to alleviate the increasing financial burdens on the state and its local subdivisions caused by the expenses of incarcerating convicted offenders.

(1) To remedy these problems, consistent with the preservation of all citizens' constitutional rights, the Legislature intends:

(a) To provide a legal mechanism, in the form of a civil restitution lien, that will enable crime victims, the state, and other aggrieved parties to recover damages and losses arising out of criminal acts. The civil restitution lien shall be imposed against the real and personal property owned by the convicted offender who has committed an offense causing such damages and losses.

(b) To prevent convicted offenders from increasing their assets after conviction, while their crime victims and the state and local subdivisions remain uncompensated for their damages and losses. To further this legislative purpose, the civil restitution lien shall attach not only to the offender's current assets but also, should these assets fail to satisfy the lien, to any future assets or "windfall" proceeds which may accrue to the defendant, up to the full amount of the lien.

(c) To provide a schedule of liquidated damages, based on the type of crime committed, in order to facilitate swift and uniform determinations of the amounts of civil restitution liens, and to facilitate judicial convenience in entering restitution lien orders. To further these legislative purposes, a schedule of liquidated damages, based on the type of crime committed, shall be employed to assess the amounts of civil restitution liens. The schedule of liquidated damages shall also serve to ensure that the amount of each civil restitution lien bears a rational relation to the amount of actual damages incurred as a result of the crime.

(d) To impose a long-term civil liability for the costs of incarceration, by means of the civil restitution lien, against a convicted offender, regardless of the offender's financial status at the time of conviction.

(2) The Legislature also finds that crime victims, the state, and its local subdivisions are entitled to rough remedial justice and they may demand compensation for damage and losses.

(3) The Legislature declares that:

(a) The intent of the statute is rationally related to the goal of fully compensating crime victims, the state, and its local subdivisions for damages and losses incurred as a result of criminal conduct.

(b) This act rests upon the principle of remediation and not punishment, which is meted out by criminal sanctions afforded by law.

(4) The Legislature recognizes that, in many individual cases, the liquidated damage amount provided does not fully compensate crime victims for their actual damages and losses. It is the legislative intent that the liquidated damages authorized in this act bear a rational relation to the damages and losses a crime victim incurs as a result of a convicted offender's conduct, and the state and its local subdivisions incur as a result of implementation of a convicted offender's sentence.

Section 3. Definitions.—When used in this act, the term:

(1) "Civil restitution lien" means a lien which exists in favor of crime victims, the state, its local subdivisions, or aggrieved party and which attaches against the real or personal property owned by a convicted offender.

(2) "Convicted offender" means a defendant who has a conviction as defined herein entered against the defendant in the courts of this state.

(3) "Conviction" means a guilty verdict by a jury or judge, or a guilty or nolo contendere plea by a defendant, regardless of adjudication of guilt.

(4) "Crime victim" means the victim of a crime and includes the aggrieved party, the aggrieved party's estate if the aggrieved party is deceased, and the aggrieved party's next of kin if the aggrieved party is deceased as a result of the conduct of a convicted offender. For the purposes of this act, the term "crime victim" does not

include any person who participated in the criminal conduct or criminal episode resulting in the conviction.

(5) "Damages or losses" includes:

(a) Damage or loss to any crime victim which is caused by the conduct of a convicted offender. This amount shall be determined by the court according to the uniform schedule of liquidated damages, as provided for in section 5.

(b) Damage or loss to the state and its local subdivisions which is caused by imposition of a convicted offender's sentence.

1. Such damage or loss to the state and its local subdivisions includes the costs of incarcerating and other correctional costs in connection with the implementation of a state court's sentence. This cost shall be determined by the court according to the uniform schedule of liquidated damages, as provided for in section 5.

2. Such damage or loss to the state shall not include those costs on conviction for which the defendant may be held liable under chapter 939, Florida Statutes.

(6) "Local subdivisions" are local subdivisions of the State of Florida which maintain correctional facilities such as counties which maintain county correctional facilities.

(7) "Real or personal property" includes any real or personal property owned by the convicted offender, or that a person possesses on the convicted offender's behalf, including, but not limited to, any royalties, commissions, proceeds of sale, or any other thing of value accruing to the convicted offender, or a person on the convicted offender's behalf. The term "real or personal property" specifically includes any financial settlement or court award payable or accruing to a convicted offender or to a person on behalf of the convicted offender. No civil restitution lien created pursuant to the provisions of this act may be foreclosed on real property which is the convicted offender's homestead under Section 4 of Article X of the State Constitution.

(8) "Sentence" means the court-imposed sentence of a convicted offender.

Section 4. Enforcement of the civil restitution lien through civil restitution lien order.—The civil restitution lien shall be made enforceable by means of a civil restitution lien order.

(1) Upon conviction, the convicted offender shall incur civil liability for damages and losses to crime victims, the state, its local subdivisions, and aggrieved parties as set forth in section 5. The conviction shall estop the convicted offender from denying the essential allegations of that offense in any subsequent proceedings.

(2) Upon motion by the state, upon petition of the local subdivision, crime victim, or aggrieved party, or on its own motion, the court in which the convicted offender is convicted shall enter civil restitution lien orders in favor of crime victims, the state, its local subdivisions, and other aggrieved parties. The court shall retain continuing jurisdiction over the convicted offender for the sole purpose of entering civil restitution lien orders.

(3) The court shall enter separate civil restitution lien orders as appropriate in favor of the crime victims, the state, its local subdivisions, or aggrieved parties. The civil restitution lien order shall include the name of the convicted offender, the case number assigned to the applicable criminal case, and the names and Social

Security Numbers of the crime victim, state, its local subdivisions, or aggrieved parties, as appropriate.

Section 5. Determination of damages and losses.—

(1) Upon conviction, a convicted offender shall be liable to the crime victim for damages and losses.

(a) The following liquidated damage amounts shall be assessed against the convicted offender and in favor of the crime victim:

1. \$15,000 when the conviction is of a capital felony or life felony.
2. \$10,000 when the conviction is of a felony of the first or second degree.
3. \$5,000 when the conviction is of a felony of the third degree.
4. \$1,000 when the conviction is of a misdemeanor.
5. \$500 when the conviction is of a misdemeanor of the second degree.

In addition, if the criminal conduct resulting in the conviction caused the death of a crime victim, the amount for which the convicted offender is liable shall be increased by \$25,000.

(b) The total amount of the liquidated damages shall be assessed against the convicted offender and in favor of each crime victim in the amount set forth in paragraph (a) for the highest conviction entered against the convicted offender for each criminal episode.

(c) The liquidated damage amount stated in this subsection shall not be admissible as evidence of damages in any civil proceeding.

(2) Upon conviction, a convicted offender shall be liable to the state and its local subdivisions for damages and losses for incarceration costs and other correctional costs.

(a) If the conviction is for a capital or life felony, the convicted offender shall be liable for incarceration costs and other correctional costs in the liquidated damage amount of \$250,000.

(b) If the conviction is for an offense other than a capital or life felony, a liquidated damage amount of \$50 per day of the convicted offender's sentence shall be assessed against the convicted offender and in favor of the state or its local subdivisions.

Section 6. Effect of civil restitution liens.—

(1) Property subject to civil restitution lien.—The civil restitution lien shall exist upon any real or personal property of the convicted offender. If the full amount of the civil restitution lien is not satisfied from the real or personal property owned at the time of conviction, the civil restitution lien also shall exist upon any real or personal property which the convicted offender comes to possess subsequent to conviction, until the full amount of the lien is satisfied.

(2) Applicability of all judgment enforcement remedies.—Such order may be enforced by the crime victims, the state and its local subdivisions, or other aggrieved parties named in the civil restitution lien order, in the same manner as a

judgment in a civil action, including levy against personal property by the sheriffs of this state and foreclosure against nonexempt real property. The provisions of chapter 726, Florida Statutes, apply to the transfer of the convicted offender's assets to a third party and all other judgment enforcement remedies that are available by law.

(3) Recording of the civil restitution lien; levy by sheriff.—The civil restitution lien order may be recorded in the public records. There shall be no charge assessed for the recording of such civil restitution lien order.

(4) Duration of the civil restitution lien.—The civil restitution lien shall continue for a period of 20 years from the date of entry of the civil restitution lien.

(5) Rate of interest.—A civil restitution lien entered under this part shall bear the rate of interest, as set forth in s. 55.03, Florida Statutes, from the date of its entry.

Section 7. Civil restitution lien supplemental to other forms of restitution available to lienholder.—

(1) Preservation of existing restitution remedies.—The civil restitution lien provided for in this act shall enable crime victims, the state and its local subdivisions, and other aggrieved parties to seek a restitution remedy that is alternative and supplemental to existing statutory and common law remedies that are available for restitution. The rights of crime victims, the state and its local subdivisions, and other aggrieved parties to seek any existing remedy for restitution, in lieu of or in addition to seeking a civil restitution lien order under this act, shall be preserved.

(2) Applicability of other civil remedies; estoppel as a limitation upon enforcement.—A civil restitution lien order entered under this act shall not bar any subsequent civil remedy or recovery, but the amount of such restitution shall be set off against any subsequent independent civil recovery. Notwithstanding this act, the crime victim, the state and its local subdivisions, or other aggrieved parties shall not be precluded from collecting costs on conviction ordered under chapter 939, Florida Statutes, relating to court costs; moneys awarded under chapter 960, Florida Statutes, relating to victim assistance; moneys awarded by a restitution order under s. 775.089, Florida Statutes, relating to restitution; proceeds resulting from forfeitures ordered under chapter 895, Florida Statutes, relating to racketeering offenses and illegal debts; moneys distributed pursuant to a lien placed on the offender's property under s. 944.512, Florida Statutes, relating to the state lien on literary and other accounts of crimes; or inmate reimbursements under chapter 946, Florida Statutes, relating to correctional work programs, except that no duplicate recovery shall be made in favor of crime victims, the state and its local subdivisions, and other aggrieved parties.

Section 8. Construction and severability.—

(1) This act supersedes law to the contrary. Notwithstanding any provision of law to the contrary, the provisions of this act shall be controlling over any conflicting law.

(2) 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 9. Authorization for governmental right of restitution for costs of incarceration.—

(1) The state and its local subdivisions, in a separate civil action or as counterclaim in any civil action, may seek recovery of the damages and losses set forth in section 5.

(2) For those convicted offenders convicted prior to the effective date of this act, the state and its local subdivisions, in a separate civil action or as a counterclaim in any civil action, may seek recovery of the damages and losses set forth in section 5 for the convicted offender's remaining sentence after the effective date of this act.

Section 10. (1) Subsections (2) and (5) of section 960.07, Florida Statutes, are amended to read:

960.07 Filing of claims for compensation.—

(2) Except as provided in subsection (3), a claim must be filed not later than 1 year after:

(a) The occurrence of the crime upon which the claim is based, or not later than 1 year after

(b) The death of the victim or intervenor.

(c) The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

However, for good cause the department may extend the time for filing for a period not exceeding 2 years after such occurrence.

(5) Upon filing of a claim pursuant to this chapter, in which there is an identified offender, the department shall promptly notify the state attorney of the circuit wherein the crime is alleged to have occurred. If within 10 days after such notification such state attorney advises the department that a criminal prosecution or delinquency petition is pending upon the same alleged crime and requests that action by the department be deferred, the department shall defer all proceedings under this chapter until such time as a trial verdict or delinquency adjudication has been rendered, and shall so notify such state attorney and claimant. When a trial verdict or delinquency adjudication has been rendered, such state attorney shall promptly notify the department. Nothing in this subsection shall limit the authority of the department to grant emergency awards pursuant to s. 960.12.

(2) This section shall apply to claims for compensation for crimes committed on or after the effective date of this act.

Section 11. Subsections (3), (4), (5), (6), (7), and (8) of section 960.13, Florida Statutes, are amended to read:

960.13 Awards.—

(3) Payment made in accordance with this section shall be considered payment of last resort that follows all other sources.

(4)(3) Any award made pursuant to this chapter shall be made in accordance with the schedule of benefits, and degrees of disability, and wage loss formulas

specified in ~~ss. 440.12 and s. 440.15~~, excluding subsection (5) of that section. ~~If a claimant does not have "average weekly wages" so as to qualify under the formula in s. 440.15, the award shall be in an amount equal to the arithmetical average between the maximum and minimum awards listed in the applicable portions of ss. 440.15 and 440.12.~~

~~(5)(4)~~ If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned among the claimants.

~~(6)(5)~~ Any award made pursuant to this chapter shall be reduced by the amount of any payments or services received or to be received by the claimant as a result of the injury or death:

(a) From or on behalf of the person who committed the crime; provided, however, that a restitution award ordered by a court to be paid to the claimant by the person who committed the crime shall not reduce any award made pursuant to this chapter unless it appears to the department that the claimant will be unjustly enriched thereby.

(b) From any other public or private source or provider, including, but not limited to, an award of workers' compensation pursuant to chapter 440.

(c) From agencies mandated by other Florida statutes to provide or pay for services, except as provided in s. 960.28.

(d) From an emergency award under s. 960.12.

~~(7)(6)~~ In determining the amount of an award, the department shall determine whether, because of his conduct, the victim of such crime or the intervenor contributed to the infliction of his injury or to his death, and the department shall reduce the amount of the award or reject the claim altogether, in accordance with such determination. However, the department may disregard for this purpose the contribution of the intervenor to his own injury or death when the record shows that such contribution was attributed to efforts by an intervenor as set forth in s. 960.03(6).

~~(8)(7)~~ If the department finds that the claimant, if not granted assistance pursuant to this chapter to meet the loss of earnings or support or out-of-pocket loss, will not suffer serious financial hardship as a result of the loss of earnings or support and the out-of-pocket loss incurred as a result of the injury, the department shall deny the award. In determining serious financial hardship, the department shall consider all the financial resources of the claimant. Unless a total dependency is established, members of a family are considered to be partially dependent upon a homemaker with whom they reside, without regard to actual earnings.

~~(9)(a)(8)~~ No claimant shall receive an award in excess of \$10,000 in total for all compensable costs or losses. The department may, by rule adopted pursuant to chapter 120, establish limits below \$10,000 for awards for particular types of costs or losses. Any claim pending on July 1, 1992, shall be governed under ~~the rules adopted pursuant to this section.~~

(b) A minor victim may receive continuing or periodic mental health care necessitated by the adverse impact of victimization upon normal emotional development, up to the maximum award of \$10,000. After approval of the initial applica-

tion for an award to a minor victim, the minor victim or his legal guardian may submit supplemental requests for additional victimization treatment as necessary.

Section 12. Section 960.14, Florida Statutes, is amended to read:

960.14 Manner of payment; execution or attachment.—

(1) Any award made under this chapter shall be in accordance with the discretion and direction of the department as to the manner of payment. No award made pursuant to this chapter shall be subject to execution or attachment other than for expenses resulting from the injury or death which is the basis for the claim. In every case providing for compensation to a claimant under this chapter, the department may, if in its opinion the facts and circumstances of the case warrant it, convert the compensation to be paid into a partial or total lump sum without discount. Any eligible ~~All medical bills~~ may ~~shall~~ be paid by the department directly to affected service health care providers.

(2) If a claimant owes money to the Crimes Compensation Trust Fund in connection with any other claim as provided for in ss. 960.16, 960.17, and 960.20, the amount owed shall be reduced from any award.

(3)(2) The department may reconsider a claim at any time and modify or rescind previous orders for compensation, based upon a change in medical circumstances of a victim or intervenor.

(4) Payment made to a service provider will be considered payment in full for the services rendered to the victim by said provider. In the event a provider does not accept the payment as payment in full, then that payment may be made to the claimant.

Section 13. Subsections (1) and (4) of section 960.17, Florida Statutes, are amended to read:

960.17 Award constitutes debt owed to state.—

(1) Any payment of benefits to, or on behalf of, a victim or other claimant under this chapter creates a debt due and owing to the state by any person found, in a civil, criminal, or juvenile court proceeding in which he is a party, to have committed such criminal act. Such payment shall create an obligation of restitution in accordance with s. 775.089.

(4) Payments authorized under this section are to be paid to the Crimes Compensation Trust Fund. Any order of restitution or judgment ~~any order of payment~~ to the state made by any court pursuant to this section may be enforced by the department in the same manner as a judgment in a civil action or by other enforcement measures administered by the department. The outstanding unpaid amount of the order shall bear interest in accordance with s. 55.03 and shall, when properly recorded, become a lien on real estate owned by the defendant.

Section 14. Section 960.20, Florida Statutes, is amended to read:

960.20 Additional costs.—

(1) When any person pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law, there

shall be imposed as an additional cost in the case, in addition and prior to any other cost required to be imposed by law, the sum of \$50. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(10) shall also be assessed such cost.

(2) These costs are considered assessed unless specifically waived by the court. If the court does not order these costs, it shall state on the record, in detail, the reasons therefor.

(3) In the event that the individual has been ordered to pay restitution in accordance with s. 775.089, costs referenced in this section shall be included in a judgment.

(4) The clerk of the court shall collect and forward \$49 of each \$50 collected to the Treasurer, to be deposited in the Crimes Compensation Trust Fund. The clerk shall retain the remaining \$1 of each \$50 collected as a service charge of the clerk's office. Under no condition shall a political subdivision be held liable for the payment of this sum of \$50.

Section 15. (1) Section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims' initial examinations.—

(1) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial physical examination of ~~a any~~ victim who reports a violation of chapter 794 or chapter 800 to a law enforcement officer. ~~Such payment shall be made~~ regardless of whether or not the victim is covered by health or disability insurance. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment shall not exceed \$150 with respect to any violation. No payment ~~may shall~~ be made for ~~a any~~ physical examination unless the law enforcement officer certifies in writing that, ~~based upon his investigation and the results of the physical examination is needed to aid the investigation of an alleged sexual offense and that the claimant is the alleged victim of the offense. Payment may be made to a medical provider using an examiner by a physician or other medically trained personnel qualified under chapter 464, excluding s. 464.003(5); chapter 458; or chapter 459; he reasonably believes that an offense under chapter 794 has been committed and that the claimant is the victim of such offense. Further, the payment shall not be made to the victim~~ If the victim has not paid the bill rendered by the medical provider, ~~in such event,~~ payment, ~~may shall~~ be made directly to the medical provider, ~~but not to the victim. Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial physical examination associated with the collection of evidence. In the event a provider does not accept the payment as payment in full, then that payment may be made to the claimant.~~

(2) The department ~~may shall~~ have the authority to allow, deny, controvert, or litigate claims made against it ~~under pursuant~~ to this section.

(3) Information received or maintained by the department ~~identifying an which identifies any~~ alleged victim who seeks payment of medical expenses ~~under pursuant~~ to this section is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(4) A Any defendant or juvenile offender who pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, a any violation of chapter 794 or chapter 800 shall be ordered by the court to make restitution to the Crimes Compensation Trust Fund in an amount equal to the compensation paid to the victim or medical provider by the Crime Victims' Services Office for the cost of the initial examination. The Such an order may be enforced by the department in the same manner as a judgment in a civil action.

(2) Section 960.28, Florida Statutes, as amended, is hereby repealed on July 1, 1995.

Section 16. The Department of Legal Affairs shall submit a report to the Speaker of the House of Representatives, the President of the Senate, the Governor, and the Chairs of the House and Senate Appropriations Committees no later than December 1, 1994, which includes recommendations as to the delivery and payment of evidentiary examinations for victims of sexual offenses.

Section 17. Section 624.128, Florida Statutes, is created to read:

624.128 Crime victims exemption.—Any other provision of the Florida Statutes to the contrary notwithstanding, the deductible or copayment provision of any insurance policy shall not be applicable to a person determined eligible pursuant to Florida Crimes Compensation Act, excluding s. 960.28 of this act.

Section 18. Subsection (3) of section 775.0835, Florida Statutes, is amended to read:

775.0835 Fines; surcharges; Crimes Compensation Trust Fund.—

(3) The additional \$50 obligation created by s. 960.20 shall be collected, and \$49 of each \$50 collected shall be credited to the Crimes Compensation Trust Fund, prior to any fine or surcharge authorized by this chapter. These costs are considered assessed unless specifically waived by the court. If the court does not order these costs, it shall state on the record, in detail, the reasons therefor.

Section 19. Paragraphs (a) and (c) of subsection (1) and subsection (2) of section 775.089, Florida Statutes, are amended, present subsections (5) through (12) are renumbered as subsections (6) through (13), respectively, and a new subsection (5) is added to said section, to read:

775.089 Restitution.—

(1)(a) In addition to any punishment, the court shall order the defendant to make restitution to the victim for:

1. Damage or loss caused directly or indirectly by the defendant's offense; and
2. Damage or loss related to the defendant's criminal episode,

unless it finds clear and compelling reasons not to order such restitution. Restitution may be monetary or nonmonetary restitution. The court shall make the payment of restitution a condition of probation in accordance with s. 948.03. An order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund pursuant to chapter 960. Payment of an award by the Crimes Compensation Trust Fund shall create an order of restitution to the Crimes Compensation Trust Fund, unless specifically waived in accordance with subparagraph (b)1.

(c) The term "victim" as used in this section and in any provision of law relating to restitution means each person who suffers property damage or loss, monetary expense, or physical injury or death as a direct or indirect result of the defendant's offense or criminal episode includes the aggrieved party, and also includes the victim's aggrieved party's estate if the victim aggrieved party is deceased, and the victim's aggrieved party's next of kin if the victim aggrieved party is deceased as a result of the offense.

(2)(a) When an offense has resulted in bodily injury to a victim, a restitution order entered under pursuant to subsection (1) shall require that the defendant:

1.(a) Pay the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including non-medical care and treatment rendered in accordance with a recognized method of healing.

2.(b) Pay the cost of necessary physical and occupational therapy and rehabilitation.

3.(c) Reimburse the victim for income lost by the such victim as a result of the offense.

4.(d) In the case of an offense which resulted in bodily injury that also resulted in the death of a victim, pay an amount equal to the cost of necessary funeral and related services.

(b) When an offense has not resulted in bodily injury to a victim, a restitution order entered under subsection (1) may require that the defendant reimburse the victim for income lost by the victim as a result of the offense.

Section 20. Paragraph (h) of subsection (1) and subsection (2) of section 960.001, Florida Statutes, are amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(h) Notification of right to request restitution.—Law enforcement agencies and the state attorney shall inform the victim of the victim's right to request and receive restitution pursuant to s. 39.054(1)(a) or s. 775.089, and of the victim's rights of enforcement under ss. 39.022 and 775.089(6)(~~5~~) in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered.

(2)(a) A copy of the guidelines and an implementation plan adopted by each agency shall be filed with the Governor, and subsequent changes or amendments thereto shall be likewise filed when adopted.

(b) A copy of a budget request prepared pursuant to chapter 216 shall also be filed for the sole purpose of carrying out the activities and services outlined in the guidelines.

(c)~~(b)~~ The Governor shall advise state agencies of any statutory changes which require an amendment to its guidelines.

(d)~~(e)~~ The Executive Office of the Governor shall review the guidelines submitted pursuant to this section:

1. To determine whether all affected agencies have developed guidelines which address all appropriate aspects of this section; ~~and~~

2. To encourage consistency in the guidelines and plans in their implementation in each judicial circuit and throughout the state; ~~and~~;

3. To determine when an agency needs to amend or modify its existing guidelines.

(e)~~(d)~~ The Executive Office of the Governor shall ~~may~~ issue an annual report detailing each agency's compliance or noncompliance with its duties as provided under this section. In addition, the Governor may apply to the circuit court of the county where the headquarters of such agency is located for injunctive relief against any agency which has failed to comply with any of the requirements of this section, which has failed to file the guidelines, or which has filed guidelines in violation of this section, to compel compliance with this section.

Section 21. Paragraph (c) of subsection (4) of section 39.022, Florida Statutes, is amended to read:

39.022 Jurisdiction.—

(4)

(c) The court may retain jurisdiction over a child whom the court has ordered to pay restitution until the restitution order is satisfied or until the court orders otherwise. If the court retains jurisdiction over the child after the date upon which the court's jurisdiction over the child would cease under this section, it shall do so solely for the purpose of enforcing the restitution order. The terms of the restitution order are subject to the provisions of s. 775.089~~(6)~~~~(5)~~.

Section 22. Subsection (3) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(3) The court shall require an offender to make restitution under pursuant to s. 775.089, unless the court finds clear and compelling reasons not to order such restitution ~~as provided in that section~~. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, the court shall state on the record in detail the reasons therefor. An order requiring an offender to make restitution to a victim under pursuant to s. 775.089 does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund under pursuant to chapter 960.

Section 23. Any liens already in existence at the time the restitution lien is placed shall take precedence over the restitution lien.

Section 24. This act shall take effect July 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-343

Committee Substitute for House Bill No. 2043

An act relating to automated teller machines; creating ss. 655.960, 655.961, 655.962, 655.963, 655.964, and 655.965, F.S.; providing definitions; requiring evaluations of automated teller machines; requiring compliance with specified standards; providing for a good faith standard for evaluating automated teller machines; establishing compliance dates for operators and persons controlling certain areas; specifying standards for lighting, mirrors, and landscaping; requiring the provision of certain notice; providing exemptions; providing for preemption; providing an effective date.

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

Section 1. Sections 655.960, 655.961, 655.962, 655.963, 655.964, and 655.965, Florida Statutes, are created to read:

655.960 Definitions.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(53)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003(47).

(2) “Access device” has the same meaning as set forth in Federal Reserve Board Regulation E, 12 C.F.R. part 205, promulgated pursuant to the Electronic Fund Transfer Act, 15 U.S.C. ss. 1601 et seq.

(3) “Automated teller machine” means any electronic information processing device located in this state which accepts or dispenses cash in connection with a credit, deposit, checking, or convenience account. The term does not include devices used solely to facilitate check guarantees or check authorizations or which are used in connection with the acceptance or dispensing of cash on a person-to-person basis, such as by a store cashier.

(4) “Candlefoot power” means the light intensity of candles on a horizontal plane at 36 inches above ground level and 5 feet in front of the area to be measured.

(5) “Control,” with respect to an access area or defined parking area, means to have the present legal authority to determine how, when, and by whom such area is to be used, and how such area is to be maintained, lighted, and landscaped. If an operator leases an access area or defined parking area as lessee, such lessee shall not be considered to have control for the purposes of the ss. 655.960-655.965.

(6) “Customer” means a natural person to whom an access device has been issued for personal, family, or household use.

(7) "Defined parking area" means that portion of any parking area open for customer parking which is contiguous to an access area with respect to an automated teller machine, is regularly, principally, and lawfully used for parking by users of the automated teller machine while conducting automated teller machine transactions during the hours of darkness, and is owned or leased by the operator of the automated teller machine or owned or controlled by the party leasing the automated teller machine site to the operator. The term does not include any parking area which is not open or regularly used for parking by users of the automated teller machine who are conducting automated teller machine transactions during the hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area satisfies the conditions of this subsection and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the automated teller machine to be the most directly accessible to the users of the automated teller machine shall be considered a parking area.

(8) "Financial institution office" means a main office or principal office, as defined in s. 655.005, and a branch or branch office as defined in s. 658.12(4).

(9) "Hours of darkness" means the period that commences 30 minutes after sunset and ends 30 minutes before sunrise.

(10) "Operator" means any financial institution, as defined in s. 655.005, other business entity, or any person who controls the use or operation by a customer or other member of the general public of an automated teller machine. An operator controls the use or operation of an automated teller machine for the purposes of ss. 655.960-655.965 if such person or entity has the present legal authority to determine when and by whom the automated teller machine may be used or operated and how it is to be maintained in compliance with the provisions of ss. 655.960-655.965. An operator does not include any person or entity which is not a financial institution, if the primary function of such person or entity is to provide data processing services for automated teller machine transactions or to provide for the exchange, transfer, or dissemination of electronic fund transfer data.

(11) Terms which are defined in the financial institution codes, unless the context otherwise requires, have the meanings ascribed to them therein for purposes of ss. 655.960-655.965.

655.961 Evaluations.—

(1) Each existing automated teller machine shall be evaluated by its operator within 1 year after the effective date of this section to determine whether such machine is in compliance with the provisions of s. 655.962(2), (3), and (4). If a machine fails to comply with such provisions, the operator shall bring it into compliance within 1 year after the effective date of this section.

(2) A violation of the provisions of ss. 655.960-655.965 or any regulation made pursuant thereto does not constitute negligence per se.

655.962 Lighting; mirrors; landscaping.—

(1) Each operator of an automated teller machine that controls the access area or defined parking area to be lighted shall comply with subsections (2), (3), and (4) no later than 1 year after the effective date of this section. If the access area or defined parking area to be lighted is controlled by a person other than the opera-

tor, such other person shall comply with subsections (2), (3), and (4) no later than 1 year after the effective date of this section.

(2) Each operator, or other person responsible for an automated teller machine pursuant to ss. 655.960-655.965, shall provide lighting during the hours of darkness with respect to an open and operating automated teller machine and any defined parking area, access area, and the exterior of an enclosed automated teller machine installation, as follows:

(a) There shall be a minimum of 10 candlefoot power at the face of the automated teller machine and extending in an unobstructed direction outward 5 feet.

(b) There shall be a minimum of 2 candlefoot power within 50 feet in all unobstructed directions from the face of the automated teller machine. If the automated teller machine is located within 10 feet of the corner of the building and the automated teller machine is generally accessible from the adjacent side, there shall be a minimum of 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.

(c) There shall be a minimum of 2 candlefoot power in that portion of the defined parking area within 60 feet of the automated teller machine.

(3) The operator shall provide reflective mirrors or surfaces at each automated teller machine which provide the customer with a rear view while the customer is engaged in using the automated teller machine.

(4) The operator, or other person responsible pursuant to ss. 655.960-655.965 for an automated teller machine, shall ensure that the height of any landscaping, vegetation, or other physical obstructions in the area required to be lighted pursuant to subsection (2) for any open and operating automated teller machine shall not exceed 3 feet, except that trees trimmed to a height of 10 feet and whose diameters are less than 2 feet and manmade physical obstructions required by statute, law, code, ordinance, or other governmental regulation shall not be affected by this subsection.

655.963 Access devices.—Customers receiving access devices shall be furnished by the respective issuers thereof with such information regarding safety precautions as the department may require by rule. This information shall be furnished by personally delivering or mailing the information to each customer whose mailing address as to the account to which the access device relates is in this state. Such information shall be furnished with respect to access devices issued on or after the effective date of this section, at or before the time the customer is furnished with his or her access device. With respect to a customer to whom an “accepted access device,” as defined in Federal Reserve Board Regulation E, 12 C.F.R. part 205, has been issued prior to the effective date of this section, the information shall be delivered on or before 6 months from the effective date of this section. Only one notice need be furnished per household, and if access devices are furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for access devices, only a single notice need be furnished in satisfaction of the notification responsibilities as to those customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with any initial or periodic disclosure statement furnished pursuant to the Electronic Fund Transfer Act.

655.964 Application.—

(1) The provisions of ss. 655.961 and 655.962 do not apply to any automated teller machine which is:

(a) Located inside of a building, unless it is a freestanding installation which exists for the sole purpose of providing an enclosure for the automated teller machine.

(b) Located inside a building, except to the extent a transaction can be conducted from outside the building.

(c) Located in any area, including any access area, building, enclosed space, or parking area which is not controlled by the operator.

(2) The provisions of ss. 655.960-655.965 shall not be construed to create any duty, responsibility, or obligation for any person or entity whose primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data and is not otherwise a financial institution, as defined in s. 655.005, or an operator.

655.965 Preemption; prohibition.—

(1) Except as expressly provided, the provisions of this section and ss. 655.960-655.964 supersede and preempt all rules, regulations, codes, or ordinances of any city, county, municipality, or other political subdivision of this state, and of any local agency regarding customer safety at automated teller machines located in this state.

Section 2. This act shall take effect October 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-344

Committee Substitute for House Bill No. 2079

An act relating to local government finance; amending s. 163.387, F.S.; authorizing a modification of the requirements for determining the amount of annual funding of a community redevelopment trust fund for counties as defined in s. 125.011(1), F.S.; amending ss. 170.01 and 170.03, F.S.; revising provisions which authorize municipalities to provide certain improvements and levy special assessments against the property benefited, to include the relocation of utilities within such improvements; amending s. 200.065, F.S.; revising the requirements for calculation of the rolled-back rate for purposes of requirements relating to the method of fixing ad valorem millage rates; amending ss. 1, 2, and 3, ch. 67-930, Laws of Florida; revising provisions which authorize certain municipalities to levy a municipal resort tax, to authorize levy of said tax on food and beverages, other than alcoholic beverages, sold for consumption off the premises; providing those municipalities with certain enforcement and collection powers and procedures; providing effective dates.

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

Section 1. Subsection (1) of section 163.387, Florida Statutes, is amended to read:

163.387 Redevelopment trust fund.—

(1) There shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment plan. Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

(a) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body of any county as defined in s. 125.011(1) may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area created on or after July 1, 1994, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between paragraph (a) and paragraph (b), but in no event shall such amount be less than 50 percent of such difference.

Section 2. Subsection (1) of section 170.01, Florida Statutes, is amended to read:

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.—

(1) Any municipality of this state may, by its governing authority:

(a) Provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening, guttering, and draining of streets, boulevards, and alleys; for grading, regrading, leveling, laying, relaying, paving, repaving, hard surfacing, and rehard surfacing of sidewalks; for constructing or reconstructing permanent pedestrian canopies over public sidewalks; and in connection

with any of the foregoing, provide related lighting, landscaping, street furniture, signage, and other amenities as determined by the governing authority of the municipality;

(b) Order the construction, reconstruction, repair, renovation, excavation, grading, stabilization, and upgrading of greenbelts, swales, culverts, sanitary sewers, storm sewers, outfalls, canals, primary, secondary, and tertiary drains, water bodies, marshlands, and natural areas, all or part of a comprehensive stormwater management system, including the necessary appurtenances and structures there-to and including, but not limited to, dams, weirs, and pumps;

(c) Order the construction or reconstruction of water mains, water laterals, and other water distribution facilities, including the necessary appurtenances thereto;

(d) Pay for the relocation of utilities, including the placement underground of electrical, telephone, and cable television services, pursuant to voluntary agreement with the utility, but nothing contained in this paragraph shall affect a utility's right to locate or relocate its facilities on its own initiative at its own expense;

~~(e)~~ Provide for the construction or reconstruction of parks and other public recreational facilities and improvements, including appurtenances thereto;

~~(f)~~ Provide for the construction or reconstruction of seawalls;

~~(g)~~ Provide for the drainage and reclamation of wet, low, or overflowed lands;

~~(h)~~ Provide for offstreet parking facilities, parking garages, or similar facilities;

~~(i)~~ Provide for mass transportation systems;

~~(j)~~ Provide for improvements to permit the passage and navigation of water-craft; and

~~(k)~~ Provide for the payment of all or any part of the costs of any such improvements by levying and collecting special assessments on the abutting, adjoining, contiguous, or other specially benefited property.

However, offstreet parking facilities, parking garages, or other similar facilities and mass transportation systems must be approved by vote of a majority of the affected property owners. Any municipality which is legally obligated for providing capital improvements for water or sewer facilities within an unincorporated area of the county may recover the costs of the capital improvements by levying and collecting special assessments for the purposes authorized in this section on the specially benefited property; however, collections of the special assessment shall not take place until the specially benefited property connects to the capital improvement.

Section 3. Section 170.03, Florida Statutes, is amended to read:

170.03 Resolution required to declare special assessments.—When the governing authority of any municipality may determine to make any public improvement authorized by s. 170.01 and defray the whole or any part of the expense thereof by special assessments, said governing authority shall so declare by resolution stating the nature of the proposed improvement, designating the street or streets or sidewalks to be so improved, the location of said sanitary sewers, storm sewers, and

drains, the location of said water mains, water laterals, and other water distribution facilities, the location of the utilities, the location of the recreational facilities, the location of the seawalls, the location of the drainage project, or the location of the retail or wholesale business districts or nationally recognized historic districts to be improved, and the part or portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general improvement fund of the municipality; and said resolution shall also designate the lands upon which the special assessments shall be levied, and in describing said lands it shall be sufficient to describe them as "all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for." Such resolution shall also state the total estimated cost of the improvement. Such estimated cost may include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for 1 year after completion of construction, discount on the sale of special assessment bonds, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, administrative expense, and such other expense as may be necessary or incident to the financing herein authorized.

Section 4. Effective January 1, 1995, subsection (1) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(1) Upon completion of the assessment of all property pursuant to s. 193.023, the property appraiser shall certify to each taxing authority the taxable value within the jurisdiction of the taxing authority. This certification shall include a copy of the statement required to be submitted under s. 195.073(3), as applicable to that taxing authority. The form on which the certification is made shall include instructions to each taxing authority describing the proper method of computing a millage rate which, exclusive of new construction, additions to structures, deletions, increases in the value of improvements that have undergone a substantial rehabilitation which increased the assessed value of such improvements by at least 100 percent, and property added due to geographic boundary changes, will provide the same ad valorem tax revenue for each taxing authority as was levied during the prior year. That millage rate shall be known as the "rolled-back rate." The information provided pursuant to this subsection shall also be sent to the tax collector by the property appraiser at the time it is sent to each taxing authority.

Section 5. Section 1 of chapter 67-930, Laws of Florida, as amended by chapter 93-286, Laws of Florida, is amended to read:

Section 1. All cities and towns, in counties of the state having a population of not less than three hundred thirty thousand (330,000) and not more than three hundred forty thousand (340,000) and in counties having a population of more than nine hundred thousand (900,000), according to the latest official decennial census, whose charter specifically provides now or whose charter is so amended prior to January 1, 1968, for the levy of the exact tax as herein set forth, are hereby given the right, power and authority by ordinance to impose, levy and collect a tax

within their corporate limits, to be known as a municipal resort tax, upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp, as the same are defined in part I, chapter 212, Florida Statutes, and upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages sold at retail for consumption on the premises, at ~~of~~ any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department; provided, however, this tax shall not apply to those sales the amount of which is less than fifty cents (50c) nor to sales of food or beverages delivered to a person's home under a contract providing for deliveries on a regular schedule when the price of each meal is less than ten dollars.

Section 6. Section 2 of chapter 67-930, Laws of Florida, as amended by chapters 83-363 and 93-286, Laws of Florida, is amended to read:

Section 2. The tax authorized by section 1 shall not exceed two percent (2%) of the rent received by the person renting such room or rooms from the person paying said rent, and of the retail sales price paid by any guest, consumer or any person on the purchase of each sale of food or beverages, and of each sale of alcoholic beverages for consumption on the premises, at ~~of~~ any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department. However, upon approval by referendum of a charter amendment so authorizing, the tax may be levied at a rate not to exceed 4 percent on the rent of such room or rooms.

Section 7. Section 3 of chapter 67-930, Laws of Florida, as amended by chapter 93-286, Laws of Florida, is amended to read:

Section 3. The tax imposed by this act shall be collected from the person paying said rent or said retail sales price and shall be paid by such person for the use of the city or town to the person collecting and receiving the rent or the retail sales price at the time of the payment thereof. It shall be the duty of every person renting a room or rooms, as herein provided, and of every person selling at retail ~~for consumption on the premises~~, food or beverages, or and alcoholic beverages for consumption on the premises, as herein provided, in acting as the tax collection medium or agency of the city or town, to collect from the person paying the rent or the retail sales price, for the use of the city or town, the tax imposed and levied pursuant to this act, and to report and pay over to the city or town all such taxes imposed, levied and collected, in accordance with the accounting and other provisions of the enacted ordinance. All cities and towns collecting a resort tax pursuant to the provisions of this act shall have the same duties and privileges as the Department of Revenue under part I of chapter 212, Florida Statutes, and may use any power granted to the Department of Revenue under part I of chapter 212, Florida Statutes, including enforcement and collection procedures and penalties imposed by part I of chapter 212, Florida Statutes, which shall be binding upon all persons and entities that are subject to the provisions of this act with regard to the municipal resort tax.

Section 8. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-345

House Bill No. 2321

An act relating to the confidentiality of records relating to voter registration; providing exemptions from public records requirements for information relating to the decision of persons with respect to specified voter registration; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. All declinations to register to vote made pursuant to sections 97.057 and 97.058, Florida Statutes, are confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution and may be used only for voter registration purposes. These exemptions are subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes.

Section 2. Information relating to the place where a person registered to vote or where a person updated a voter registration is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution; and a voter's signature, social security number, and telephone number may not be copied and are exempt for that purpose from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution. These exemptions are subject to the Open Government Sunset Review Act in accordance with the provisions of section 119.14, Florida Statutes.

Section 3. The exemptions provided in this act are necessary because confidentiality of information relating to the decision not to register to vote or relating to the place where a person registers to vote is required by the National Voter Registration Act with respect to registration procedures for federal elections. Since Florida has a unified voter registration system for federal and state elections, this information must be kept confidential in order to ensure full compliance with the National Voter Registration Act. The exemptions are also provided to protect personal information about individuals applying for or receiving public assistance. In addition, keeping this information confidential and exempt from the public records law, keeping voters' signatures, social security numbers, and telephone numbers exempt from copying, will encourage voter registration and remove disincentives to registering to vote.

Section 4. This act shall take effect on the effective date of the Committee Substitute for Senate Bill 2924 or similar legislation relating to implementation of the National Voter Registration Act of 1993 for federal and state elections.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-346

House Bill No. 2437

An act relating to citrus canker; discontinuing the collection of citrus canker excise taxes and depositing overdue taxes in the Citrus Advertising Trust Fund; providing an appropriation to the Citrus Advertising Trust Fund; providing an appropriation of unexpended funds to the Citrus Advertising Trust Fund; providing a transfer from the Division of Administrative Hearings Administrative Trust Fund; providing a transfer from the Citrus Canker Compensation Trust Fund; terminating the Florida Citrus Canker Trust Fund, the Citrus Canker Compensation Trust Fund, and the Citrus Canker Eradication Trust Fund; providing an appropriation from the Citrus Advertising Trust Fund; amending s. 602.025, F.S.; deleting certain legislative intent provisions with respect to citrus canker; amending s. 602.065, F.S.; revising language with respect to available funds for reimbursement to Florida for citrus canker eradication; providing effective dates.

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

Section 1. Notwithstanding the continued collection of due and unpaid citrus canker excise taxes in section 5 of chapter 93-52, Laws of Florida, the Department of Agriculture and Consumer Services shall stop collecting excise taxes unless the department has given written notice that taxes are due. The department shall deposit any overdue taxes collected in the Citrus Advertising Trust Fund in the Department of Citrus.

Section 2. The sum of \$260,990 is hereby appropriated from the General Revenue Fund for the fiscal year 1994-1995 for transfer not later than August 1, 1994, to the Citrus Advertising Trust Fund in the Department of Citrus in order to meet the funding formula provided in section 8 of chapter 92-140, Laws of Florida.

Section 3. Upon this act becoming a law, notwithstanding the provisions of chapter 216, Florida Statutes, and chapter 93-184, Laws of Florida, the sum of \$665,691 of unexpended funds from specific appropriation 102 of said chapter is hereby appropriated for transfer to the Citrus Advertising Trust Fund in the Department of Citrus.

Section 4. The sum of \$41,129 is hereby appropriated for transfer from the Division of Administrative Hearings Administrative Trust Fund in the Department of Management Services for four consecutive years beginning in fiscal year 1994-1995 to the Citrus Advertising Trust Fund in the Department of Citrus. Each transfer shall occur not later than August 1 of each of the four consecutive years.

Section 5. The sum of \$13,550 is hereby appropriated for transfer from the Citrus Canker Compensation Trust Fund for fiscal year 1994-1995 to the Legal Services Trust Fund in the Department of Legal Affairs. This sum shall be used to defray costs arising from the claims brought by the Attorney General against the Federal Government to recover the Federal Government's share of the cost of the eradication of citrus canker.

Section 6. (1) The following trust funds are terminated:

- (a) Florida Citrus Canker Trust Fund.
- (b) Citrus Canker Compensation Trust Fund.
- (c) Citrus Canker Eradication Trust Fund.

(2) Not later than August 1, 1994, all current balances remaining in, and all revenues of, the trust funds terminated by this section shall be transferred to the Citrus Advertising Trust Fund in the Department of Citrus in an amount not less than:

- (a) \$2,699,450 from the Citrus Canker Compensation Trust Fund.
- (b) \$158,000 from the Citrus Canker Eradication Trust Fund.

For each trust fund terminated by this section, the Comptroller shall close out and remove the trust fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 7. There is hereby appropriated to the Department of Citrus in fiscal year 1994-1995 from the Citrus Advertising Trust Fund in the Department of Citrus an amount equal to the funds deposited, appropriated, and transferred pursuant to this act.

Section 8. Subsection (5) of section 602.025, Florida Statutes, is amended to read:

602.025 Legislative findings and intent.—

~~(5) Any federal funding received in excess of the final costs of all citrus canker programs resulting from the eradication of citrus nursery plants beginning in September 1984 shall be divided between and deposited into the General Revenue Fund and the Citrus Advertising Trust Fund in an amount which reflects the proportion of the moneys directly contributed to the program by the General Revenue Fund and the taxes collected pursuant to chapters 89-91, 89-542, 90-326, 91-4, 91-75, and 92-140, Laws of Florida, respectively.~~

Section 9. Subsection (9) of section 602.065, Florida Statutes, is amended to read:

602.065 Citrus canker claims; procedures.—

~~(9) The Department of Legal Affairs shall provide representation and assistance to the Office of Citrus Canker Claims and may provide representation to any state agency affected by this act. The Department of Legal Affairs shall also take all necessary and appropriate action determined to be available to ensure that the Federal Government releases to the State of Florida any available funds which reimburse the state the Federal Government's share of the costs arising from the eradication of citrus canker may be used by the state to pay claims relating to the citrus canker problem. All funds received by the state from the Federal Government to reimburse the state for its share of the costs arising from the eradication of the citrus canker compensate claimants shall be divided and deposited in the following proportions:~~

- ~~(a) Fifty percent into the General Revenue Fund; and~~

~~(b) Fifty percent into the Citrus Advertising Trust Fund, into the Citrus Cancer Compensation Trust Fund.~~

Section 10. Except as otherwise provided herein, this act shall take effect July 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-347

House Bill No. 2447

An act relating to unemployment compensation; amending s. 443.036, F.S.; redefining the term "employee leasing company"; amending s. 443.041, F.S.; limiting attorneys' fees paid by the Division of Unemployment Compensation; amending s. 443.091, F.S.; modifying benefit eligibility conditions to comply with federal law; requiring certain persons deemed likely to exhaust regular benefits to participate in reemployment services; amending s. 443.101, F.S.; clarifying provisions relating to disqualification for benefits; amending s. 443.111, F.S.; authorizing the Division of Unemployment Compensation to establish by rule the process for payment and reporting of unemployment claims; modifying the expiration date; providing for the reinstatement of in-person benefit payment and claims reporting if the provisions of s. 443.111(1), F.S., expire; providing exceptions; providing for limited projects; amending s. 443.131, F.S.; relating to computation of contribution rates based upon benefit experience; deleting obsolete language; revising dates; modifying provisions relating to transfer of employment records between predecessor and successor employers; repealing s. 3 of ch. 91-9, Laws of Florida, relating to reinstatement of mandatory in-person claims reporting; providing effective dates.

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

Section 1. Effective January 1, 1995, and applicable to wages earned on and after said date, subsection (16) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(16) EMPLOYEE LEASING COMPANY.—The term "employee leasing company" means an employing unit which maintains a valid and active license under chapter 468 for a fee places the employees of a client company onto its payroll and leases them to the client company on an ongoing basis as agreed to by the client and employee leasing company and which maintains the records required by s. 443.171(7) and, in addition, maintains a listing of the clients of the employee leasing company and of the employees, including their social security numbers, who have been assigned to work at each client company job site. Further, each client company job site must be identified by industry, products or services, and address.

The client list shall be provided to the division by June 30 and by December 31 of each year. For purposes of this subsection, "client" means a party who has contracted with an employee leasing company to provide a worker, or workers, to perform services for the client. Leased employees shall include employees subsequently placed on the payroll of the employee leasing company on behalf of the client. The employee leasing company shall notify the division within 30 days of the initiation or termination of the company's relationship with any client company pursuant to chapter 468.

Section 2. Subsection (2) of section 443.041, Florida Statutes, is amended to read:

443.041 Waiver of rights; fees; privileged communications.—

(2) FEES.—

(a) No individual claiming benefits shall be charged fees of any kind in any proceeding under this chapter by the commission or division or their representatives, or by any court or any officer thereof, except as hereinafter provided. Any individual claiming benefits in any proceeding before the commission or division, or representatives of either, or a court may be represented by counsel or duly authorized agent, but no such counsel or agent shall either charge or receive for such services more than an amount approved by the commission or division or by the court.

(b) An attorney at law representing a claimant for benefits in any district court of appeal of this state or in the Supreme Court of Florida ~~is shall be~~ entitled to counsel fees payable by the division as fixed by the court ~~if the in either of the following cases:~~

1. ~~Where petition for review or appeal is initiated by any party to such proceeding other than the claimant, or~~

2. ~~Where such~~ petition for review or appeal is initiated by the claimant and results in a decision awarding more benefits than did the decision ~~under review or~~ from which appeal was taken. The amount of the fee may not exceed 50 percent of the regular benefits awarded under s. 443.111(4)(a) during the benefit year.

(c) Attorneys' fees awarded under this section shall be paid by the division out of employment security administration funds as a part of the costs of administration of this chapter and may be paid directly to the attorney for the claimant in a lump sum. The division or commission may not pay any other fees or costs in connection with an appeal.

(d) Any person, firm or corporation who or which seeks or receives any remuneration or gratuity for any services rendered on behalf of a claimant, except as allowed by this section and in an amount approved by the division or commission or by a court, shall be guilty of a misdemeanor. Any person, firm or corporation who or which shall solicit the business of appearing on behalf of a claimant, or shall make it a business to solicit employment for another in connection with any claim for benefits under this chapter, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Paragraphs (d) and (e) of subsection (1) of section 443.091, Florida Statutes, are redesignated as paragraphs (e) and (f), respectively, and a new paragraph (d) is added to said subsection to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(d) He participates in reemployment services, such as job search assistance services, whenever the individual has been determined, pursuant to a profiling system established by rule of the division, to be likely to exhaust regular benefits and to be in need of reemployment services.

Section 4. Paragraph (a) of subsection (1) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he has voluntarily left his work without good cause attributable to his employing unit or in which he has been discharged by his employing unit for misconduct connected with his work, if so found by the division. The term "work," as used in this paragraph, means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting shall continue for the full period of unemployment next ensuing after he has left his work voluntarily without good cause and until such individual has earned income equal to or in excess of 17 times his weekly benefit amount; "good cause" as used in this subsection shall include only such cause as is attributable to the employing unit or which consists of illness or disability of the individual requiring separation from his work. An individual shall not be disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his work within the previous 6 calendar months.

2. Disqualification for being discharged for misconduct connected with his work shall continue for the full period of unemployment next ensuing after having been discharged and until such individual has become reemployed and has earned income not less than 17 times his weekly benefit amount and for not more than 52 weeks which immediately follow such week, as determined by the division in each case according to the circumstances in each case or the seriousness of the misconduct, pursuant to rules of the division enacted for determinations of disqualification for benefits for misconduct.

Section 5. Subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits shall be payable from the fund in accordance with such rules as the division may prescribe, subject to the following requirements:

(a) Benefits shall be paid through claims offices or by mail, in accordance with such rules as the division may prescribe. However,

(b) Each claimant shall report in the manner prescribed by the division in person to a claims office or by mail to certify for benefits which are paid and shall continue to report at least biweekly to receive unemployment benefits and to attest to the fact that he is able and available for work, has not refused suitable work,

and is seeking work and, if he has worked, to report earnings from such work. This subsection expires October 1, 1997 1994.

Section 6. If subsection (1) of section 443.111, Florida Statutes, expires pursuant to the provisions of this act, or pursuant to a specific provision of law which provides for the expiration of said subsection, effective on the expiration date, said subsection is reenacted and amended to read:

443.111 Payment of benefits.—

(Substantial rewording of subsection. See s. 443.111(1), F.S., for present text.)

(1) MANNER OF PAYMENT.—Benefits shall be payable from the fund in accordance with such rules as the division may prescribe, subject to the following requirements and exceptions:

(a) Benefits shall be paid through claims offices.

(b) Each claimant shall report in person to a claims office to certify for benefits which are paid and shall continue to report at least biweekly to receive unemployment benefits and to attest to the fact that he is able and available for work, has not refused suitable work, and is seeking work and, if he has worked, to report earnings from such work.

(c) Unemployment benefits may be mailed to claimants in cases involving interstate claims. If a claimant has returned to work, the last benefit check may be mailed, upon request of the claimant. Benefit checks not picked up on a designated day from the claims office may also be mailed, in accordance with criteria and procedures adopted by rule of the division.

Nothing herein shall be construed to prohibit the division from instituting experimental and limited projects whereby claims checks are mailed; however, the division may not implement such projects statewide until a report has been made to the Legislature and the Legislature has approved such implementation.

Section 7. Effective December 1, 1994, and applicable to tax years beginning on and after January 1, 1995, paragraphs (b), (d), (e), (f), (g), and (h) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

~~(b)1.—On and after January 1, 1958, the division shall, notwithstanding the provisions of paragraph (d), compute a benefit ratio for each employer not previously eligible therefor whose unemployment record has been chargeable with benefit payments for at least 12 calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments chargeable to his employment record during the 12 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed by the total of his annual payrolls (as defined in paragraph (f)) for the first 12 of the 13 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place and shall be applicable only for the~~

remainder of the calendar year in which it becomes effective, after which the benefit ratio of such employer shall be computed as provided in subparagraph 2. Variation from the standard rate of contribution shall be assigned on a quarterly basis to such employers eligible therefor in like manner as assignments made for a calendar year under paragraph (e).

1.2. The division shall, for each calendar year, compute a benefit ratio for each employer whose employment record has been chargeable with benefit payments for the 12 consecutive quarters ending June 30 at least 3 calendar years immediately preceding the calendar year for which the benefit ratio is computed. An employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments chargeable to his employment record during the 3-year period ending June 30 ~~December 31~~ of the preceding calendar year by the total of his annual payrolls (as defined in paragraph (f)) for the 3-year period ending June ~~September~~ 30 of the preceding calendar year. Such benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place.

2.2. ~~On and after January 1, 1978,~~ The division shall compute a benefit ratio for each employer not previously eligible therefor whose initial tax rate is 2.7 percent and whose unemployment has been chargeable with benefit payments for at least 8 calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments charged to his employment record during the 8 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed by the total of his annual payrolls (as defined in paragraph (f)) for the first eight of the nine completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place and shall be applicable for the remainder of the calendar year. The employer will next be rated on an annual basis using up to 12 calendar quarters of benefits charged and up to 12 calendar quarters of annual payrolls. Such employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments charged to his employment record by the total of his annual payrolls, as defined in paragraph (f), for the quarters used in his first computation plus the subsequent quarters reported through June ~~September~~ 30 of the prior year. Each year thereafter the rate will be computed as provided in subparagraph 1.2. Variation from the standard rate of contribution shall be assigned on a quarterly basis to such employers eligible therefor in like manner as assignments made for a calendar year under paragraph (e).

(d) Employers shall be eligible for rate variations from the initial standard rate of contributions, as hereinafter described, in any calendar year, only if their employment records have been chargeable with benefit payments throughout the 12 consecutive quarters ~~3 consecutive calendar years~~ ending on June 30 ~~December 31~~ of the preceding calendar year.

(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 algebraical-

ly 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 calendar 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 current calendar year. 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 taxable payroll entering into the computation of his 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 and the sum rounded to three decimal places 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 calendar 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 September 30 of the preceding calendar year that had been reported to the division by September 30 December 31 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 calendar 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 calendar years, as defined in subparagraph (b)1., less the product of the maximum contribution rate and his taxable payroll for the 3 years ending June September 30 of the preceding calendar year that had been reported to the division by September 30 December 31 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 ~~September 30~~ ~~December 31~~ of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending ~~June~~ ~~September 30~~ of the preceding calendar year as reported to the division by ~~September 30~~ ~~December 31~~ 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~~ ~~September 30~~ of the preceding calendar year as reported to the division by ~~September 30~~ ~~December 31~~ of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of ~~September 30~~ ~~December 31~~ of such preceding calendar year and the sum of 5 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of ~~September 30~~ ~~December 31~~ of the year immediately preceding the effective date of such contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending ~~June~~ ~~September 30~~ of the preceding calendar year as reported to the division by ~~September 30~~ ~~December 31~~ of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of ~~September 30~~ ~~December 31~~ of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending ~~June~~ ~~September 30~~ of the preceding calendar year as reported to the division by ~~September 30~~ ~~December 31~~ 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~~ ~~September 30~~ of the preceding calendar year as reported to the division by ~~September 30~~ ~~December 31~~ of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of ~~September 30~~ ~~December 31~~ of such preceding calendar year and 5 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of ~~September 30~~ ~~December 31~~ of the year immediately preceding the effective date of such contribution rate is less than 5 percent but more than 4 percent of the taxable payrolls for the year ending ~~June~~ ~~September 30~~ of the preceding calendar year as reported to the division by ~~September 30~~ ~~December 31~~ 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.

(f) As used in paragraph (b), the term "annual payroll" means the calendar quarter taxable payroll reported to the division for the quarters used in the benefit

ratio computation, so that no tax rate penalty in the benefit ratio computation will result from the untimely filing of required wage and tax reports. All of the taxable payroll reported to the division by the end of the quarter preceding the quarter in which the tax rate is to be computed effective shall be used in the computation.

(g)1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, shall be deemed to be a single employer and shall be considered as one employer with a continuous employment record if the division finds that the successor employer continues to carry on the employing enterprises of the predecessor employer or employers and that the successor employer has paid all contributions required of and due from the predecessor employer or employers and has assumed liability for all contributions that may become due from the predecessor employer or employers. As used in this paragraph, the term "contributions" means all indebtedness to the division, including, but not limited to, interest, penalty, collection fee, and service fee. A successor ~~that is already an employer~~ has 30 days from the date of the official notification of liability by succession to accept the transfer of the predecessor's or predecessors' employment record or records. If the predecessor or predecessors have unpaid contributions or outstanding quarterly reports, the successor has 30 days from the date of the notice listing the total amount due to pay the total amount with certified funds. After the total indebtedness has been paid, the employment record or records of the predecessor or predecessors will be transferred to the successor.

2. Whether or not there is a transfer of employment record as contemplated in this paragraph, the predecessor shall in the event he again employs persons be treated as an employer without previous employment record or, if his coverage has been terminated as provided in s. 443.121, as a new employing unit.

3. The division may provide by rule for partial transfer of experience rating when an employer has transferred at any time an identifiable and segregable portion of his payrolls and business to a successor employing unit. As a condition of such partial transfer of experience, the rules shall require an application by the successor, agreement by the predecessor, and such evidence as the division may prescribe of the experience and payrolls attributable to the transferred portion up to the date of transfer. The rules shall provide that the successor employing unit, if not already an employer, shall become an employer as of the date of the transfer and that the experience of the transferred portion of the predecessor's account shall be removed from the experience-rating record of the predecessor, and for each calendar year following the date of the transfer of the employment record on the books of the division, the division shall compute the rate of contribution payable by the successor on the basis of his experience, if any, combined with the experience of the portion of the record transferred. The rules may also provide what rates shall be payable by the predecessor and successor employers for the period between the date of the transfer of the employment record of the transferred unit on the books of the division and the first day of the next calendar year.

4. This paragraph shall not apply to the employee leasing company and client contractual agreement as defined in s. 443.036. The client shall, in the event of termination of the contractual agreement or failure by the employee leasing company to submit reports or pay contributions as required by the division, be treated as a new employer without previous employment record unless otherwise eligible for a rate computation.

(h) No reduction below the standard contribution rate shall be allowed an employer under the provisions of this section unless:

1. All contributions, interest, and penalties incurred by such employer with respect to wages paid by him in all previous calendar quarters, except the four calendar quarters immediately preceding the calendar quarter or calendar year for which the benefit ratio is computed, have been paid; and

2. The employer entitled thereto shall have at least one annual payroll as defined in paragraph (f) and unless such employer is eligible for additional credit under the provisions of the Federal Unemployment Tax Act; and in the event the Federal Unemployment Tax Act shall be revised, amended, or repealed, this section shall be applicable only to the extent that additional credit may be allowed against the payment of the tax imposed by the Federal Unemployment Tax Act.

An earned tax rate will be assigned to an employer under subparagraph 1. the quarter following the quarter in which the aforesaid indebtedness is paid in full.

Section 8. Section 3 of chapter 91-9, Laws of Florida, is hereby repealed.

Section 9. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-348

House Bill No. 2481

An act relating to public records; creating s. 28.001, F.S.; providing definitions of "official records" and "public records"; amending s. 28.07, F.S.; specifying that the official records books be kept at the county seat; repealing s. 28.17, F.S., which requires verification of deeds and other instruments by the officer recording them; amending s. 28.19, F.S.; deleting a requirement that the clerk of the circuit court verify an instrument before receiving a service charge for recording the instrument; amending s. 28.24, F.S.; authorizing the clerk to charge a fee for furnishing electronic copies of a computer database; amending s. 28.30, F.S.; revising provisions relating to destruction and reproduction of public records by the clerk; providing requirements relating to electronic recordkeeping and status of records reproduced by such means; specifying time of filing of documents submitted by electronic transmission and the clerk's responsibility with respect thereto; amending s. 92.29, F.S.; specifying status of reproductions of records through electronic recordkeeping systems; amending s. 695.26, F.S.; revising requirements relating to the form of recorded instruments affecting real property; amending s. 25.382, F.S.; providing for annual review of judicial system employment practices; amending s. 28.07, F.S.; providing that the Official Records books of the county shall be kept at the county seat; amending s. 28.222, F.S.; providing for public inspection

of records; creating s. 28.235, F.S.; authorizing the clerk of the circuit court to make advance payments on behalf of the county for certain goods and services; amending s. 28.24, F.S.; revising a reporting date; revising the date scheduled for review and expiration of specified provisions relating to the Public Records Modernization Trust Fund; amending s. 28.34, F.S.; providing for annual review of employment practices by the clerk; amending s. 55.10, F.S.; revising the amount of the deposit with the clerk of the court for transfer of claims of lien; amending s. 55.502, F.S.; modifying the definition of foreign judgment; amending s. 55.505, F.S.; requiring payment of a service charge for an execution or other process of enforcement of a foreign judgment; amending s. 57.081, F.S.; limiting the services of the courts, sheriffs, and clerks provided without charge to indigent persons; requiring detailed financial disclosure in the affidavit required for certification of indigency; revising requirements when represented by attorney; amending s. 125.222, F.S.; providing that the Official Records books of the county shall be kept at the county seat; amending s. 382.022, F.S.; changing monthly deadline for county court judges and clerks of the circuit courts to transmit marriage application fees; amending s. 553.04, F.S.; providing that bonds of plumbing contractors are filed with county code enforcement rather than the clerk of the circuit court; amending s. 695.26, F.S.; revising requirements for recording documents affecting real property with the clerk of the circuit court; amending s. 925.037, F.S., relating to reimbursement of counties for fees paid to appointed counsel and conflict committees; delaying the dates of certain reports; deleting obsolete language; repealing s. 28.17, F.S., relating to verification of documents; repealing s. 28.19, F.S., relating to service charges; providing an effective date.

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

Section 1. Section 28.001, Florida Statutes, is created to read:

28.001 Definitions.—As used in this chapter:

(1) "Official records" means each instrument that the clerk of the circuit court is required or authorized to record in the series of books called "Official Records" as provided for in s. 28.222.

(2) "Public records" has the same meaning as in s. 119.011 and includes each official record.

Section 2. Section 28.07, Florida Statutes, is amended to read:

28.07 Place of office.—The clerk of the circuit court shall keep his ~~or her~~ office at the county seat. ~~If of the county however, in those counties in which, the clerk finds a need for branch feels such offices, they may be located to be necessary, he may establish branch offices in the county at other places other than the county seat, and may provide such offices with a One or more deputy clerks clerk authorized to issue process may be employed for such branch offices, provided that~~ The official records of the county ~~must shall~~ be kept at the county seat ~~of the county~~. ~~Such~~ Other records and books ~~must shall~~ be kept within the county but need not be kept at the county seat ~~of the county~~.

Section 3. Section 28.17, Florida Statutes, is hereby repealed.

Section 4. Section 28.19, Florida Statutes, is amended to read:

28.19 Service charges; public records.—

~~(1) The service charges for recording any instrument of writing entitled to record under the laws of this state shall not be payable to any officer who may have recorded the same until he has verified the record and endorsed the original instrument as aforesaid.~~

~~(2) The clerk of the circuit court must ensure that the official~~ Such records are shall always be open to the public, under the supervision of the clerk, for the purpose of inspection thereof and for of making extracts therefrom; but the clerk is shall not be required to perform any service in connection with such inspection or making of extracts without payment of service charges as provided in s. 28.24.

Section 5. Section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall make the following charges for services rendered by ~~the clerk's~~ his office in recording documents and instruments and in performing the duties enumerated. However, in those counties where the clerk's office operates as a fiscal unit of the county pursuant to s. 145.022(1), the clerk shall not charge the county for such services.

Charges

- (1) For court attendance by each clerk or deputy clerk, per day\$75.00
- (2) For court minutes, per page5.00
- (3) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk, per page3.00
- (4) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument2.00
- (5) For certifying copies of any instrument in the public records.....1.00
- (6) For verifying any instrument presented for certification prepared by someone other than clerk, per page.....2.00
- (7) For making and reporting payrolls of jurors to State Comptroller, per page, per copy5.00
- (8)(a) For making copies by photographic process of any instrument in the public records consisting of pages of not more than 14 inches by 8½ inches, per page1.00
- (b) For making copies by photographic process of any instrument in the public records of more than 14 inches by 8½ inches, per page5.00
- (9) For making microfilm copies of any public records:
 - (a) 16 mm 100' microfilm roll25.00
 - (b) 35 mm 100' microfilm roll35.00

- (c) Microfiche, per fiche.....2.00
- (10) For copying any instrument in the public records by other than photographic process, per page4.00
- (11) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing.....4.00
- (12) For indexing each entry not recorded1.00
- (13) For receiving money into the registry of court:
 - (a)1. First \$500, percent.....2
 - 2. Each subsequent \$100, percent1
 - (b) Eminent domain actions, per deposit.....\$100.00
- (14) For examining, certifying, and recording plats and for recording condominium exhibits larger than 14 inches by 8½ inches:
 - (a) First page30.00
 - (b) Each additional page.....15.00
- (15) For recording, indexing, and filing any instrument not more than 14 inches by 8½ inches, including required notice to property appraiser where applicable:
 - (a) First page or fraction thereof.....5.00
 - (b) Each additional page or fraction thereof4.00
- (c) For indexing instruments recorded in the official records which contain more than four names, per additional name1.00
- (d) An additional service charge shall be paid to the clerk of the circuit court to be deposited in the Public Records Modernization Trust Fund for each instrument recorded in the official records:
 - 1. First page1.00
 - 2. Each additional page0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. On or before December 1, 1993, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since its inception and each obligation payable from the trust fund on that date. This paragraph expires July 1, 1994, and the Legislature shall review this paragraph to determine the necessity for the Public Records Modernization Trust Fund prior to the 1994 regular legislative session.

- (16) Oath, administering, attesting, and sealing, not otherwise provided for herein2.00
- (17) For validating certificates, any authorized bonds, each2.00
- (18) For preparing affidavit of domicile.....5.00

- (19) For exemplified certificates, including signing and sealing4.00
- (20) For authenticated certificates, including signing and sealing4.00
- (21)(a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing)4.00
- (b) For signing and sealing only1.00
- (22) For issuing venire facias (includes writing, preparing, signing, and sealing)5.00
- (23) For paying of witnesses and making and reporting payroll to State Comptroller, per copy, per page5.00
- (24) For approving bond5.00
- (25) For searching of records, for each year's search.....1.00
- (26) For processing an application for a tax deed sale (includes application, sale, issuance, and preparation of tax deed, and disbursement of proceeds of sale), other than excess proceeds60.00
- (27) For disbursement of excess proceeds of tax deed sale, first \$100 or fraction thereof10.00
- (28) Upon receipt of an application for a marriage license, for preparing and administering of oath; issuing, sealing, and recording of the marriage license; and providing a certified copy20.00
- (29) For solemnizing matrimony.....20.00
- (30) For sealing any court file or expungement of any record.....25.00
- (31) For receiving and disbursing all restitution payments, per payment .2.00
- (32) Postal charges incurred by the clerk of the circuit court in any mailing by certified or registered mail shall be paid by the party at whose instance the mailing is made.

(33) For furnishing an electronic copy of information contained in a computer database . . . a fee as provided for in chapter 119.

Section 6. Section 28.30, Florida Statutes, is amended to read:

28.30 Destruction and reproduction of certain Records; destruction; reproduction; electronic recordkeeping.—

(1) The purpose of this section and s. 28.31 is to make available for the use of the clerks of the circuit court of the several counties of the state sufficient space to enable them to efficiently administer the affairs of office.

(2) The clerk of the circuit court of each county of the state is hereby authorized to destroy and dispose of public records pursuant to the rules adopted by the Division of Library and Information Services of the Department of State pursuant to s. 257.36, all vouchers and canceled warrants as hereinafter provided.

~~(3) The clerk of the circuit court of each county of the state is hereby authorized, in his discretion, to destroy all vouchers and canceled warrants which are over 5 years old and after audit of his office by the auditor general has been completed for the period embracing the dates of said instruments.~~

~~(3)~~(4) Each clerk of the circuit court is authorized to photograph, microphotograph, or reproduce on film, or to maintain in an electronic recordkeeping system, any public record that the clerk such of the vouchers and canceled warrants as he, in his discretion, may select. Such and photographs, microphotographs, or other reproductions on film or reproductions from an electronic recordkeeping system shall be admissible in evidence with the same force and effect as the originals. Duly certified or authenticated reproductions of such photographs, microphotographs, reproductions or other reproduction on film, or reproductions from an electronic recordkeeping system shall be admitted in evidence equally with the original photographs, microphotographs, or other reproductions on film, or reproductions from an electronic recordkeeping system.

(4) The clerk of the circuit court shall follow procedures for electronic recordkeeping in accordance with rules adopted by the Division of Library and Information Services of the Department of State.

(5) Except when otherwise provided by law or applicable rule, a document that is submitted to the clerk of the circuit court by electronic transmission is deemed filed when the document is received and the date and time are acknowledged by the clerk, as opposed to the date and time of transmission. The clerk is not liable for malfunctions or errors occurring in the transmission of documents for filing by electronic means.

Section 7. Section 92.29, Florida Statutes, is amended to read:

92.29 Photographic or electronic copies.—Photographic reproductions or reproductions through electronic recordkeeping systems made by any federal, state, county, or municipal governmental board, department or agency, in the regular course of business, of any original record, document, paper or instrument in writing or in an electronic recordkeeping system, which is, or may be, required or authorized to be made, ~~or~~ filed, or recorded with ~~that said~~ board, department or agency shall in all cases and in all courts and places be admitted and received as evidence with a like force and effect as the original would be, whether ~~the said~~ original record, document, paper, or instrument in writing or in an electronic recordkeeping system is in existence or not.

Section 8. Subsection (1) of section 695.26, Florida Statutes, is amended to read:

695.26 Requirements for recording instruments affecting real property.—

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the circuit court unless:

(a) The name of each person who executed such instrument is legibly printed, typewritten, or stamped upon such instrument immediately beneath the signature of such person and the post office address of each such person is legibly printed, typewritten, or stamped upon such instrument;

(b) The name and post office address of the natural person who prepared the instrument or under whose supervision it was prepared are is legibly printed, typewritten, or stamped upon such instrument;

(c) The name of each witness to the instrument is legibly printed, typewritten, or stamped upon such instrument immediately beneath the signature of such witness;

(d) The name of any notary public or other officer authorized to take acknowledgments or proofs whose signature appears upon the instrument is legibly printed, typewritten, or stamped upon such instrument immediately beneath the signature of such notary public or other officer authorized to take acknowledgment or proofs;

(e) A 3-inch by 3-inch space 1-1/2-inch square at the top right-hand corner on the first page and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page are reserved for use by the clerk of the court; and

(f) In any instrument other than a mortgage conveying or purporting to convey any interest in real property, the name and post office address of each grantee in such instrument are legibly printed, typewritten, or stamped upon such instrument.

Section 9. Subsection (4) is added to section 25.382, Florida Statutes, to read:
25.382 State courts system.—

(4) The Supreme Court shall ensure that clearly written policies, procedures, and goals for the recruitment, selection, promotion, and retention of minorities, including minority women, are established throughout all levels of the judicial system. An annual report shall be submitted to the Chief Justice outlining progress, problems, and corrective actions relating to the implementation of this plan.

Section 10. Section 28.07, Florida Statutes, is amended to read:

28.07 Place of office.—The clerk of the circuit court shall keep his office at the county seat of the county; however, in those counties in which the clerk feels such offices to be necessary, he may establish branch offices in other places than the county seat and may provide such offices with a deputy clerk authorized to issue process, provided that the Official Records books of the county shall be kept at the county seat of the county. Such other records and books shall be kept within the county but need not be kept at the county seat of the county.

Section 11. Subsection (6) is added to section 28.222, Florida Statutes, to read:
28.222 Clerk to be county recorder.—

(6) All instruments recorded in the Official Records books shall always be open to the public, under the supervision of the clerk, for the purpose of inspection thereof and of making extracts therefrom; but the clerk shall not be required to perform any service in connection with such inspection or making of extracts without payment of service charges as provided in s. 28.24.

Section 12. Section 28.235, Florida Statutes, is created to read:

28.235 Advance payments by clerk of circuit court.—The clerk of the circuit court is authorized to make advance payments on behalf of the county for goods and services, including, but not limited to, maintenance agreements and subscriptions, pursuant to rules or procedures adopted by the Comptroller for advance payments of invoices submitted to agencies of the state.

Section 13. Effective July 1, 1994, paragraph (d) of subsection (15) of section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall make the following charges for services rendered by his office in recording documents and instruments and in performing the duties enumerated. However, in those counties where the clerk’s office operates as a fiscal unit of the county pursuant to s. 145.022(1), the clerk shall not charge the county for such services.

(15) For recording, indexing, and filing any instrument not more than 14 inches by 8½ inches, including required notice to property appraiser where applicable:

(d) An additional service charge shall be paid to the clerk of the circuit court to be deposited in the Public Records Modernization Trust Fund for each instrument recorded in the official records:

- 1. First page1.00
- 2. Each additional page0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. On or before November 15, 1994 ~~December 1, 1993~~, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since its inception and each obligation payable from the trust fund on that date. This paragraph expires July 1, 1995 ~~1994~~, and the Legislature shall review this paragraph to determine the necessity for the Public Records Modernization Trust Fund prior to the 1995 ~~1994~~ regular legislative session.

Section 14. Section 28.34, Florida Statutes, is amended to read:

28.34 Salary discrimination based on gender or race; review within the county and circuit courts.—Each clerk of the court shall undertake an annual review of compensation, race, and gender employment policies for all persons employed or appointed by the clerk court. Within the context of comparable positions, skills, experience, and responsibility, any inequities found to exist on the basis of gender or race shall be eliminated.

Section 15. Subsection (6) of section 55.10, Florida Statutes, is amended to read:

55.10 Judgments, orders, and decrees; lien of all, generally; extension of liens; transfer of liens of security.—

(6) Any lien claimed under subsections (1), (2), and (3) may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either depositing in the clerk’s office a sum of money or filing in the clerk’s office a bond executed as surety by a surety insurer licensed to do business in this state. Such deposit or bond shall be in an amount equal to the amount demanded in such claim of lien plus interest thereon at the legal rate ~~6 percent per year~~ for 3 years ~~and plus \$500~~ ~~\$100~~ to apply on any court costs which may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned

to pay any judgment, order, or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded and costs plus \$500 for court costs not to exceed \$100. Upon such deposit being made or such bond being filed, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon the filing of the certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. The clerk shall be entitled to a fee of \$10 for making and serving the certificate. If the transaction involves the transfer of multiple liens, an additional charge of \$5 for each additional lien shall be charged. Any number of liens may be transferred to one such security.

Section 16. Subsection (1) of section 55.502, Florida Statutes, is amended to read:

55.502 Construction of act.—

(1) As used in ss. 55.501-55.509, the term “foreign judgment” means any judgment, decree, or order of a court of any other state or of the United States if such judgment, decree, or order is entitled to full faith and credit in this state.

Section 17. Subsection (3) of section 55.505, Florida Statutes, is amended to read:

55.505 Notice of recording; prerequisite to enforcement.—

(3) No execution or other process for enforcement of a foreign judgment recorded hereunder shall issue until 30 days after the mailing of notice by the clerk and payment of a service charge of \$25 to the clerk. When an action authorized in s. 55.509(1) is filed, it acts as an automatic stay of the effect of this section.

Section 18. Subsection (1) of section 57.081, Florida Statutes, is amended to read:

57.081 Costs; right to proceed where prepayment of costs waived.—

(1) Any indigent person who is a party or intervenor in any judicial or administrative agency proceeding or who initiates such proceeding shall receive the services of the courts, sheriffs, and clerks, with respect to such proceedings, without charge. Such services are limited to filing fees, service of process, certified copies of orders or final judgments, a single photocopy of any court pleading, record, or instrument filed with the clerk, examining fees, mediation services and fees, court appointed counsel fees, subpoena fees and services, service charges for collecting and disbursing funds, and any other cost or service arising out of pending litigation. In any appeal from an administrative agency decision, for which the clerk is responsible for preparing the transcript, the clerk shall waive the cost of preparing the transcripts and the cost for copies of any exhibits in the record. No prepayment of costs to any judge, clerk, or sheriff is required in any action when the party has obtained from the clerk in each proceeding a certification of indigency, based on an affidavit of the applicant claiming filed with him that the applicant is indigent and unable to pay the charges otherwise payable by law to any of such officers and providing the details of the applicant's financial condition. However, when the person is represented by an attorney, the person need not file an affidavit in order to be exempt from payment of charges under this subsection. A represented person

is exempt from charges under this subsection, if the attorney of such person files affidavit shall be supported by a written certificate, signed by the attorney, certifying representing the person that the attorney he has made an investigation to ascertain the financial condition of the client and has found the client to be indigent truth of the applicant's affidavit and he believes it to be true; that the attorney he has investigated the nature of the applicant's position and in the attorney's his opinion it is meritorious as a matter of law; and that the attorney he has not been paid or promised payment of any remuneration for services his service and he intends to act as attorney for applicant without compensation. On the failure or refusal of the clerk to issue a certificate of indigency, the applicant is entitled to a review of the his application for the certificate by the court having jurisdiction of the cause of action.

Section 19. Section 125.222, Florida Statutes, is amended to read:

125.222 Auxiliary county offices, court proceedings.—All proceedings, except trial by jury, had in any of the several counties of this state in connection with any civil, equity or criminal action may be conducted in auxiliary county offices where such offices have been established and are maintained under authorization of law, provided adequate space and facilities are available therein and provided that the Official all Records books of such proceedings be kept and maintained in the county offices at the county seat.

Section 20. Section 382.022, Florida Statutes, is amended to read:

382.022 County court judges and clerks of the circuit courts to transmit marriage application fees monthly.—On or before the 10th 5th day of each month, each of the several county court judges and clerks of the circuit courts of the state shall transmit to the department, for deposit in the trust fund provided in s. 382.025(9), the fees collected by him under the provisions of s. 741.02 during the preceding calendar months.

Section 21. Subsection (1) of section 553.04, Florida Statutes, is amended to read:

553.04 Bond of plumbing contractor; requisites; form.—

(1) Any person, except an employee of a licensed, bonded plumbing contractor, who desires to engage in or work at the business of plumbing in counties in the state that have, through their boards of county commissioners, elected to place said counties under the operation of this part, shall, before engaging or working at the business of plumbing in said counties, give bond in the sum of \$5,000, payable to the Governor of the state and his successors in office with two or more good and sufficient sureties to be approved by the board of county commissioners of the county in which the said person intends to engage or work as a plumbing contractor and to be filed with said the clerk of the circuit court of the county code enforcement in which the said person intends to so engage or work, which said bond shall be conditioned upon the said person complying with the minimum requirements of the State Plumbing Code in regards to all plumbing done by said person in this state. Upon said plumbing contractor obtaining said bond and filing said bond with said county code enforcement the clerk of circuit court as aforesaid, the said plumbing contractor is thereby entitled to have issued to him, by the said county code enforcement clerk of circuit court, a certificate to the effect that said bond has been filed by said plumbing contractor in said county. Said certificate shall be

accepted, in lieu of bond, by other counties in which said plumbing contractor may desire to work.

Section 22. Paragraph (e) of subsection (1) of section 695.26, Florida Statutes, is amended to read:

695.26 Requirements for recording instruments affecting real property.—

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the circuit court unless:

(e) A 3-inch 1/4-inch square at the top right-hand corner on the first page and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page is reserved for use by the clerk of the court; and

Section 23. Section 925.037, Florida Statutes, is amended to read:

925.037 Reimbursement of counties for fees paid to appointed counsel; circuit conflict committees.—

(1) Funds shall be appropriated each fiscal year to reimburse counties for fees paid to certain court-appointed attorneys. In order for a fee paid by a county to be reimbursable from such funds, the attorney must have been appointed pursuant to s. 27.53(3) or s. 925.035, must have been approved for such appointment by the circuit conflict committee prior to appointment, and must have been compensated within the maximum fee limits provided by s. 925.036, except that a fee is also reimbursable from such funds if paid by a county pursuant to a finding by a circuit court that the criminal case involved extraordinary circumstances such that the fee limits were inapplicable as a matter of law.

~~(2)(a) For the state fiscal years commencing July 1, 1989, and July 1, 1990, the allocation of the funds among the respective judicial circuits shall be as provided in the General Appropriations Act. The funds may, however, be reallocated among the respective judicial circuits with the approval of the Justice Administrative Commission in consultation with the chairmen of the legislative appropriations committees.~~

(b) Beginning with the fiscal year commencing July 1, 1991, such funds shall be allocated among the respective counties by the Justice Administrative Commission on the basis of each county's proportionate share of the total number of cases assigned to the public defender statewide in the preceding calendar year, as reported by the public defenders to the legislative appropriations committees.

(3) In each judicial circuit a circuit conflict committee shall be established. The committee shall consist of the following:

(a) The chief judge of the judicial circuit or his designated representative.

(b) One representative of each board of county commissioners within the judicial circuit, each such representative to be designated by board resolution.

(c) The public defender of the judicial circuit.

(4) The responsibility responsibilities of the circuit conflict committee is are as follows:

~~(a)~~ to select and approve attorneys for all appointments pursuant to ss. 27.53(3) and 925.035, commonly known as conflict case appointments.

~~(b) To allocate the available funds among the respective counties within the circuit for the state fiscal years commencing July 1, 1989, and July 1, 1990.~~

(5)(a) The clerk of the circuit court in each county shall submit to the Justice Administrative Commission a statement of conflict counsel fees at least annually. Such statement shall identify total expenditures incurred by the county on fees of counsel appointed by the court pursuant to this section where such fees are taxed against the county by judgment of the court. On the basis of such statement of expenditures, the Justice Administrative Commission shall pay state conflict case appropriations to the county. The statement of conflict counsel fees shall be on a form prescribed by the Justice Administrative Commission in consultation with the Advisory Council on Intergovernmental Relations and the Comptroller. Such form also shall provide for the separate reporting of total expenditures made by the county on attorney fees in cases in which other counsel were appointed by the court where the public defender was unable to accept the case as a result of a stated lack of resources. To facilitate such expenditure identification and reporting, the public defender, within 7 days of the appointment of such counsel by the court, shall report to the clerk of circuit court case-related information sufficient to permit the clerk to identify separately county expenditures on fees of such counsel. No county shall be required to submit any additional information to the commission on an annual or other basis in order to document or otherwise verify the expenditure information provided on the statement of conflict counsel fees form, except as provided in paragraph (c).

(b) Before ~~September 30~~ April 1 of each year, the clerk of the circuit court in each county shall submit to the Justice Administrative Commission a report of conflict counsel expenses and costs for the previous local government fiscal year. Such report shall identify expenditures incurred by the county on expenses and costs of counsel appointed by the court pursuant to this section where such expenses and costs are taxed against the county by judgment of the court. Such report of expenditures shall be on a form prescribed by the commission in consultation with the Advisory Council on Intergovernmental Relations and the Comptroller, provided that such form shall at a minimum separately identify total county expenditures for witness fees and expenses, court reporter fees and costs, and defense counsel travel and per diem. Such form also shall provide for the separate reporting of total county expenditures on attorney expenses and costs in cases in which other counsel were appointed by the court where the public defender was unable to accept the case as a result of a stated lack of resources. To facilitate such expenditure identification and reporting, the public defender, within 7 days of the appointment of such counsel by the court, shall report to the clerk of the circuit court case-related information sufficient to permit the clerk to identify separately county expenditures on expenses and costs of such counsel. No county shall be required to submit any additional information to the Justice Administrative Commission on an annual or other basis in order to document or otherwise verify the expenditure information provided on the report of conflict counsel expenses and costs form, except as provided in paragraph (c).

(c) Before ~~September 30~~ April 1 of each year, each county shall submit to the Justice Administrative Commission a statement of compliance from its independent certified public accountant, engaged pursuant to chapter 11, that each of the forms submitted to the Justice Administrative Commission, as provided for in paragraphs (a) and (b), accurately represent county expenditures incurred in pub-

lic defender conflict-of-interest cases during each reporting period covered by the statements. The statement of compliance also shall state that the expenditures made and reported were in compliance with relevant portions of Florida law. Such statement ~~may be reflected as part of the annual audit of compliance shall be contained on a standardized form to be designated by the Justice Administrative Commission.~~ In the event that the statements are found to be accurate and the expenditures noted thereon to have been made in compliance with relevant portions of Florida law, no additional information or documentation shall be required to accompany the standardized statement of compliance submitted to the commission. ~~If Where~~ the statement of compliance submitted by the independent certified public accountant indicates that one or more of the forms contained inaccurate expenditure information or ~~if where~~ expenditures incurred were not in compliance with relevant portions of Florida law, the commission may require the submission of additional information as may be necessary to identify the nature of the problem.

(d) Upon the failure of a clerk of the circuit court or county to submit any report or information required by this section, the Justice Administrative Commission may refuse to honor any claim until such clerk or county is determined by the commission to be in compliance with such requirements. In the event that the statement of compliance submitted by a county pursuant to paragraph (c) indicates that the clerk of the circuit court claimed more than was actually expended by the county, the Justice Administrative Commission may require the clerk to submit complete supporting documentation of the county's expenditures on conflict-of-interest cases for the ensuing 3-year period.

~~(6) For the state fiscal years commencing July 1, 1988, and July 1, 1989, each public defender shall, not later than March 1 of the subsequent fiscal year, submit a report to the legislative appropriations committees indicating, by county, how the appropriated funds were expended.~~

~~(6)(7)~~ No funds may be transferred to increase the amount available for reimbursement; however, these funds may be reallocated among the counties with the approval of the Justice Administrative Commission in consultation with the chairmen of the legislative appropriations committees.

~~(7)(8)~~ Nothing contained in this chapter shall be construed to be an appropriation. Once the allocation to the county has been expended, any further obligation under s. 27.53(3) shall continue to be the responsibility of the county pursuant to this chapter.

Section 24. Sections 28.17 and 28.19, Florida Statutes, are hereby repealed.

Section 25. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-349

House Bill No. 2483

An act relating to confidentiality of records relating to investigation and treatment of impaired harbor pilots; amending s. 310.102, F.S.; providing exemptions from public records requirements for information obtained from probable cause investigations of and treatment programs for impaired practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Subsections (5) and (6) are added to section 310.102, Florida Statutes, and paragraph (e) is added to subsection (3) of said section, to read:

310.102 Treatment programs for impaired practitioners.—

(3)

(e) The probable cause panel shall work directly with the consultant, and all information concerning a licensee obtained by the panel from the consultant shall remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, subject to the provisions of subsections (5) and (6). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(5)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a licensee's impairment and participation in the treatment program. All information obtained by the consultant and department pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, subject to the provisions of this subsection and subsection (6). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with the treatment provider, an impaired licensee has not progressed satisfactorily in a treatment program, all information regarding the issue of a licensee's impairment and participation in a treatment program in the consultant's possession shall be disclosed to the department. Such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.225. Whenever the consultant concludes that impairment affects a licensee's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(6) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 766.101 apply to any officer, employee, or agent of the department or the board and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 2. The Legislature finds that exempting from public records law the information obtained from probable cause investigations of and treatment programs for impaired harbor pilots prior to the filing of a formal complaint as a result of such an investigation or program is a public necessity in that harm caused by revealing such information outweighs any public benefit derived from such disclosure. Such information is preliminary in nature and if released prior to such a formal complaint being filed might result in unwarranted damage to the professional reputation of a harbor pilot, thereby endangering that harbor pilot's ability to continue earning a living in that profession.

Section 3. This act shall take effect on the same date as House Bill _____ or similar legislation creating s. 310.102, Florida Statutes, takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-350

House Bill No. 2493

An act relating to community associations, condominiums, and cooperatives; amending s. 468.431, F.S.; redefining the term "community association management"; amending s. 468.433, F.S.; revising language with respect to licensure as a community association manager; amending s. 468.434, F.S.; revising language with respect to the membership of the advisory council on community association managers; amending s. 468.436, F.S.; deleting reference to certification; authorizing the division to issue certain orders and assess costs; providing for probation of license under certain circumstances; amending s. 718.106, F.S.; providing for waiver of use rights by a tenant in certain circumstances; creating s. 468.438, F.S.; providing for community association management performed by time-share managing entities; amending ss. 718.112 and 719.106, F.S.; revising language with respect to certain required provisions in the condominium bylaws, and with respect to certain required provisions in the cooperative documents; amending s. 718.113, F.S.; authorizing the board to install, maintain, repair, or replace hurricane shutters; providing for the operation of such shutters by the board; amending s. 718.115, F.S.; including the expense of installation, replacement, operation, repair, and maintenance of hurricane shutters as common expenses; amending s. 718.116, F.S.; revising language with respect to assessments and liens; amending ss. 718.122 and 719.112, F.S.; revising language with respect to unconscionability of certain leases and rebuttable presumption for unit owners of condominiums and cooperatives; providing for maintenance of causes of action by unit owners under certain circumstances; amending s. 718.1255, F.S.; redefining the term "dispute" with respect to alternative dispute resolution under the condominium law; directing the division to employ attorneys as arbitrators; amending s. 719.1055, F.S.; revising language with respect to amendment of cooperative documents; amending

ss. 718.614 and 719.614, F.S.; deleting certain required economic information to be provided by developers of condominiums and cooperatives to tenants having a right of first refusal; amending ss. 718.616 and 719.616, F.S.; revising language with respect to disclosure of the condition of the building and estimated replacement costs by developers of condominiums and cooperatives; amending ss. 718.618 and 719.618, F.S.; revising language with respect to converter reserve accounts and warranties; directing the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to conduct a study of laws governing homeowners' associations and residential subdivisions; amending s. 418.21, F.S.; providing that the board of supervisors of a recreation district may have more than five members; providing for the establishment of designated geographical areas and for representation of those areas; amending s. 418.22, F.S.; providing that recreational facilities may be made available exclusively for district residents and property owners under certain circumstances; providing for restricting access; providing for determination of applicability of certain criteria prior to adoption or amendment of a charter; providing for security buildings and other structures; amending s. 418.24, F.S.; providing for an additional finding in a charter of a recreation district regarding availability of recreational facilities; providing effective dates.

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

Section 1. Subsection (2) of section 468.431, Florida Statutes, is amended to read:

468.431 Definitions.—

(2) "Community association management" means any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration ~~and for the public~~ and when the association or associations served contain more than 50 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association. A person who performs clerical or ministerial functions under the direct supervision and control of a licensed manager or who is charged only with performing the maintenance of a community association and who does not assist in any of the management services described in this subsection is not required to be licensed under this part.

Section 2. Paragraph (a) of subsection (4) and subsection (6) of section 468.433, Florida Statutes, are amended to read:

468.433 Administration of this part; licensing and certification qualifications; examination.—

(4) To be eligible for licensure by the department as a community association manager, the applicant shall:

(a) Be of good moral character. Each applicant must file a complete set of fingerprints which has been taken by an authorized law enforcement officer, which

set of fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The cost of processing shall be borne by the applicant.

(6) ~~The department shall establish by rule classifications of community association managers. A licensed community association manager shall be certified in a particular classification if:~~

~~(a) He has been a licensed community association manager for at least 2 years; and~~

~~(b) He has completed the continuing education requirements for the classification applied for, as established by rule of the department, which shall not exceed 10 hours annually, in addition to the hours required for license renewal.~~

Section 3. Subsection (1) of section 468.434, Florida Statutes, is amended to read:

468.434 Advisory council; membership; functions.—

(1) There is created an advisory council on community association managers. The council shall consist of seven members as follows: ~~three one shall be a member of the Community Associations Institute, one shall be a member of Building Managers International, and one shall be~~ members a member of some other professional organizations organization whose membership includes community association managers and which have a primary purpose involving community associations; two members of the council shall be residents of communities governed by a community association, one of whom is a resident manager; and two members shall be lay citizens who are not community association managers. ~~The secretary of the department shall appoint three members for terms of 1 year, two members for terms of 2 years, and two members for terms of 3 years. Thereafter, Each member shall be appointed for a term of 4 years. Vacancies A vacancy shall be filled by an appointee of the secretary for the remainder of the unexpired term.~~

Section 4. Section 468.436, Florida Statutes, is amended to read:

468.436 Enforcement; powers and duties of division; penalties.—

(1) The division has the power to enforce and ensure compliance with the provisions of this part and rules promulgated hereunder relating to the licensure ~~and certification~~ of community association managers. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this part or any rule or order promulgated hereunder, to aid in the enforcement of this part, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this part, the division director, or any officer or employee designated by the division director, may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location

of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) If the division has reasonable cause to believe that a violation of any provision of this part or rule promulgated hereunder has occurred, the division may institute enforcement proceedings in its own name against any manager, whether licensed or unlicensed, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the manager, whether licensed or unlicensed, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this part including, but not limited to, an order requiring a manager to return association funds or property to the association, and an order requiring financial restitution to injured persons or entities.

3. The division may bring an action in circuit court for declaratory relief or injunctive relief.

4. The division may impose a civil penalty against a manager, whether licensed or unlicensed, for any violation of this part or of a rule promulgated hereunder, which penalty shall not exceed \$5,000 per violation. All amounts collected shall be deposited with the State Treasurer to the credit of the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund. If a manager, whether licensed or unlicensed, fails to pay the civil penalty, the division shall thereupon issue an order directing that such manager, whether licensed or unlicensed, cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

5. The division may assess costs associated with the investigation and prosecution of any manager, whether licensed or not, for any violation of this part or of a rule promulgated hereunder.

(2) A license or certification may be suspended, or revoked, or placed on probation upon a showing that the licensee has:

(a) Violated any provision of this part.

(b) Violated any lawful order or rule rendered or adopted by the department or the division.

(c) Been convicted of or pleaded nolo contendere to a felony in any court in the United States.

(d) Obtained his license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

(e) Committed acts of gross misconduct or gross negligence in the pursuit of his profession.

Section 5. Subsection (4) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(4) When a unit is leased, a tenant shall have all use rights in the association property and those common elements otherwise readily available for use generally by unit owners and the unit owner shall not have such rights except as a guest, unless such rights are waived in writing by the tenant. Nothing in this subsection shall interfere with the access rights of the unit owner as a landlord pursuant to chapter 83. The association shall have the right to adopt rules to prohibit dual usage by a unit owner and a tenant of association property and common elements otherwise readily available for use generally by unit owners.

Section 6. Effective upon becoming a law, section 468.438, Florida Statutes, is created to read:

468.438 Time-share management firms.—

(1) The provisions of this section apply only to community association management performed by a management firm acting as managing entity of a time-share plan pursuant to ch. 721.

(2) A time-share management firm shall only be required to employ at least one individual licensed under this part at each noncontiguous geographic location at which the management firm provides community association management. No other person providing community association management on behalf of such management firms shall be required to hold a license pursuant to this part, provided that any community association management provided pursuant to this section must be performed under the direct supervision and control of a licensed community association manager. A community association manager licensed pursuant to this part and employed by a time-share management firm pursuant to this section assumes responsibility for all community association management performed by unlicensed persons employed by the time-share management firm.

Section 7. Paragraphs (a), (d), (f) and (k) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described indicating the title of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of a condominium which has five or fewer units, in which case in a not-for-profit corporation the board shall consist of not fewer than three members. In the absence of provisions to the contrary in the bylaws, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of such officers customarily performed by

officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them the duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board of administration. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner files a written complaint by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the complaint. ~~The board's response board shall either give a substantive response to the complainant, notify the complainant that a legal opinion has been requested, or notify the complainant that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the complainant. If a legal opinion is requested, the board shall, within 60 days after the receipt of the complaint, provide in writing a substantive response to the complainant. The failure to provide a substantive response to the complainant as provided herein act within 30 days and to notify the unit owner within 30 days after the action taken~~ precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the complaint.

(d) Unit owner meetings.—

1. There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, a vacancy on the board of administration caused by the expiration of a director's term shall be filled by electing a new board member; however, if there is only one candidate for election to fill the vacancy, no election is required. If there is no provision in the bylaws for terms of the members of the board of administration, the terms of all members of the board of administration shall expire upon the election of their successors at the annual meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 3.

2. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice, which notice must include an agenda, shall be mailed or delivered to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of unit owner meetings shall be posted; however, if there is no condominium property or association property upon which notices can be posted, this requirement does not apply. Unless a unit owner waives in writing the right to receive notice of the annual meeting by mail, the notice of the annual meeting shall be sent by mail to each unit owner. Where a unit is owned by more than one person, the association shall provide notice, for meetings and all other purposes, to that one address which the developer initially identifies for that purpose and thereafter as one or more of the owners of the unit shall so advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered, in accordance with this provision, to each unit owner at the address last furnished to the association.

3. After January 1, 1992, the members of the board of administration shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board of administration, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail or deliver, whether by separate association mailing or included in another association mailing or delivery including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. The board shall hold a meeting within 5 days after the deadline for a candidate to provide notice to the association of intent to run. At this meeting, the board shall accept additional nominations. Any unit owner or other eligible person may nominate himself or may nominate another unit owner or eligible person, if he has permission in writing to nominate the other person. Any unit owner or other eligible person desiring to be a candidate for the board of administration must give written notice to the association not less than 40 days before a scheduled election. Not less than 30 days before the election, the association shall mail or deliver a second notice of the election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days before the election, to be included with the mailing of the ballot, with the costs of mailing and copying to be borne by the association. However, the association has no liability for the contents of the information sheets prepared by the candidates. The division shall by rule establish voting procedures consistent with the provisions contained herein, including rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board of administration. No unit owner shall permit any other person to vote his ballot, and any such ballots improperly cast shall be deemed invalid. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. Any unit owner violating this provision may be fined by the association in accordance with s. 718.303. The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to time-share condominium associations. Notwithstanding the provisions of this subparagraph, an election and balloting are not required unless more candidates file notices of intent to run or are nominated than vacancies exist on the board.

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute which provides for such action.

5. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any statute.

6. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt

reasonable rules governing the frequency, duration, and manner of unit owner participation.

7. Any unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

Notwithstanding subparagraphs (b)2. and (d)3., an association consisting of fewer than 25 units may, by a two-thirds vote of the unit owners, provide for different voting and election procedures in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures.

(f) Annual budget.—

1. The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 718.504(20). In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached thereto shall show amounts budgeted therefor.

2. In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other item for which the deferred maintenance expense or replacement cost exceeds \$10,000. The amount to be reserved shall be computed by means of a formula which is based upon estimated life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to budgets in which the level of assessments has been guaranteed pursuant to s. 718.116(10) prior to October 1, 1979, provided that the absence of reserves is disclosed to purchasers, or to budgets in which the members of an association have, by a vote of the majority of the total voting interests voting in person or by limited proxy members present at a duly called meeting of the association, determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 718.301, the developer may vote to waive the reserves for the first two years of the operation of the association, after which time reserves may only be waived or reduced upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy present at a duly called meeting of the association. If a meeting of the unit owners has been called to determine to provide no reserves or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account for authorized reserve expenditures, unless their use for other purposes is approved in advance by a vote of the majority of the voting interests present at a duly called meeting of the association.

(k) Recall of board members.—Subject to the provisions of s. 718.301, any member of the board of administration may be recalled and removed from office

with or without cause by the vote or agreement in writing by a majority of all the voting interests. A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting.

1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall will be effective as provided herein immediately, and the recalled member or members of the board of administration shall turn over to the board any and all records of the association in their possession within 72 hours after the meeting. The board shall duly notice and hold a board meeting within 5 full business days of the adjournment of the unit owner meeting to recall one or more board members. At the meeting, the board shall either certify the recall, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or shall proceed as set forth in subparagraph 3.

2. If the proposed recall is by an agreement in writing by a majority of all voting interests, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of administration shall duly notice and hold ~~call~~ a meeting of the board within 5 full business days ~~72 hours~~ after receipt of the agreement in writing. At the meeting, the board ~~and~~ shall either certify the written agreement to recall a member or members of the board, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days ~~72 hours~~ any and all records and property of the association in their possession, or proceed as described in subparagraph 3.

3. If the board determines not to certify the written agreement to recall a member or members of the board, or does not certify if the recall by a vote at a meeting is disputed, the board shall, within 5 full business days after the meeting ~~72 hours~~, file with the division a petition for binding arbitration pursuant to the procedures in s. 718.1255. For the purposes of this section, the unit owners who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration. If the arbitrator certifies the recall as to any member or members of the board, the recall will be effective upon mailing ~~service~~ of the final order of arbitration to upon the association. If the association fails to comply with the order of the arbitrator, the division may take action pursuant to s. 718.501. Any member or members so recalled shall deliver to the board any and all records of the association in their possession within 5 full business days ~~72 hours~~ of the effective date of the recall.

4. If the board fails to duly notice and hold a board meeting within 5 full business days of service of an agreement in writing or with 5 full business days of the adjournment of the unit owner recall meeting, the recall shall be deemed effective and the board members so recalled shall immediately turn over to the board any and all records and property of the association.

~~5.4.~~ If a vacancy occurs on the board as a result of a recall and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the

contrary contained in ~~this subsection subparagraph (d)3~~. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with ~~this subsection subparagraph (d)3~~. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but prior to the recall election.

Section 8. Subsection (5) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(5) Each board of administration shall adopt hurricane shutter specifications for each building within each condominium operated by the association which shall include color, style, and other factors deemed relevant by the board. All specifications adopted by the board shall comply with the applicable building code. Notwithstanding any provision to the contrary in the condominium documents, if approval is required by the documents, a board shall not refuse to approve the installation or replacement of hurricane shutters conforming to the specifications adopted by the board. The board may, subject to the provisions of s. 718.3026, and the approval of a majority of voting interests of the condominium, install hurricane shutters and may maintain, repair, or replace such approved hurricane shutters, whether on or within common elements, limited common elements, units, or association property. However, where laminated glass architecturally designed to function as hurricane protection which complies with the applicable building code has been installed, the board may not install hurricane shutters. The board may operate shutters installed pursuant to this subsection without permission of the unit owners only where such operation is necessary to preserve and protect the condominium property and association property. The installation, replacement, operation, repair, and maintenance of such shutters in accordance with the procedures set forth herein shall not be deemed a material alteration to the common elements or association property within the meaning of this section.

Section 9. Paragraph (c) of subsection (1) of section 718.115, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to said subsection to read:

718.115 Common expenses and common surplus.—

(1)

(c) The expense of installation, replacement, operation, repair, and maintenance of hurricane shutters by the board pursuant to s. 718.113(5) shall constitute a common expense as defined herein and shall be collected as provided in this section. Notwithstanding the provisions of s. 718.116(9), a unit owner who has previously installed hurricane shutters in accordance with s. 718.113(5) or laminated glass architecturally designed to function as hurricane protection which complies with the applicable building code shall receive a credit equal to the pro rata portion of the assessed installation cost assigned to each unit. However, such unit owner shall remain responsible for the pro rata share of expenses for hurricane shutters installed on common elements and association property by the board pursuant to s. 718.113(5), and shall remain responsible for a pro rata share of the expense of the replacement, operation, repair, and maintenance of such shutters.

Section 10. Subsections (1), (5), and (8) of section 718.116, Florida Statutes, are amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(1)(a) A unit owner, regardless of how his title has been acquired, including by ~~purchase a purchaser~~ at a foreclosure judicial sale or by deed in lieu of foreclosure, is liable for all assessments which come due while he is the unit owner. Additionally, a unit owner ~~The grantee~~ is jointly and severally liable with the previous owner ~~grantor~~ for all unpaid assessments that came due against the grantor for his share of the common expenses up to the time of transfer of title. This liability is; without prejudice to any right the owner grantee may have to recover from the previous owner grantor the amounts paid by the owner grantee.

(b) The liability of a first mortgagee or its successor or assignees who acquire ~~acquires~~ title to a the unit by foreclosure or by deed in lieu of foreclosure ~~is liable~~ for the unpaid assessments that became due prior to the mortgagee's acquisition of title receipt of the deed. However, the mortgagee's liability is limited to the less-er of:

1. The unit's unpaid common expenses and regular periodic assessments which accrued or came due during the 6 months immediately preceding the acquisition of title and for which payment in full has not been received by the association; or

2. One percent of the original mortgage debt. The provisions of this paragraph shall not apply unless the first mortgagee joined the association as a defendant in the foreclosure action. Joinder of the association is not required if, on the date the complaint is filed, the association was dissolved or did not maintain an office or agent for service of process at a location which was known to or reasonably discoverable by the mortgagee.

(c) The person acquiring title shall pay the amount owed to the association within 30 days after transfer of title. Failure to pay the full amount when due shall entitle the association to record a claim of lien against the parcel and proceed in the same manner as provided in this section for the collection of unpaid assessments, a period not exceeding 6 months, but in no event does the first mortgagee's liability exceed 1 percent of the original mortgage debt. The first mortgagee's liability for such expenses or assessments does not commence until 30 days after the date the first mortgagee received the last payment of principal or interest. In no event shall the mortgagee be liable for more than 6 months of the unit's unpaid common expenses or assessments accrued before the acquisition of the title to the unit by the mortgagee or 1 percent of the original mortgage debt, whichever amount is less.

(d)(b) With respect to each time-share unit, each owner of a time-share estate therein is jointly and severally liable for the payment of all assessments and other charges levied against or with respect to that unit pursuant to the declaration or bylaws, except to the extent that the declaration or bylaws may provide to the contrary.

(e) Notwithstanding the provisions of paragraph (b), a first mortgagee or its successor or assignees who acquire title to a condominium unit as a result of the foreclosure of the mortgage or by deed in lieu of foreclosure of the mortgage shall be exempt from liability for all unpaid assessments attributable to the parcel or chargeable to the previous owner which came due prior to acquisition of title if the

first mortgage was recorded prior to April 1, 1992. If, however, the first mortgage was recorded on or after April 1, 1992, or on the date the mortgage was recorded, the declaration included language incorporating by reference future amendments to this chapter, the provisions of paragraph (b) shall apply.

(f) The provisions of this subsection are intended to clarify existing law, and shall not be available in any case where the unpaid assessments sought to be recovered by the association are secured by a lien recorded prior to the recording of the mortgage. Notwithstanding the provisions of chapter 48, the association shall be a proper party to intervene in any foreclosure proceeding to seek equitable relief.

(5)(a) The association has a lien on each condominium parcel to secure the payment of for any unpaid assessments with interest and for reasonable attorney's fees incurred by the association which are incident to the collection of the assessment or enforcement of the lien. Except as otherwise provided in subsection (1) and as set forth below, the lien is effective from and shall relate back to April 1, 1992, or the recording of the original declaration of condominium, or, whichever shall last occur, in the case of lien on a parcel located in a phase condominium, the last to occur of created pursuant to s. 718.403, the lien is effective from and shall relate back to April 1, 1992, or the recording of the original declaration or amendment thereto creating the parcel, whichever shall last occur. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien. The lien shall be recorded in the public records of in the county in which the condominium parcel is located. Nothing in this subsection shall be construed to bestow upon any lien, mortgage, or certified judgment of record on April 1, 1992, including the lien for unpaid assessments created herein, a priority which, by law, the lien, mortgage, or judgment did not have before that date.

(b) To be valid, a claim of lien must state which states the description of the condominium parcel, the name of the record owner, the name and address of the association, the amount due, and the due dates. It must be executed and acknowledged by an officer or authorized agent of the association. No such lien shall be effective continue for a longer period than 1 year after the claim of lien was has been recorded unless, within that time, an action to enforce the lien is commenced in a court of competent jurisdiction. The 1-year period shall automatically be extended for any length of time during which the association is prevented from filing a foreclosure action by an automatic stay resulting from a bankruptcy petition filed by the parcel owner or any other person claiming an interest in the parcel. The claim of lien shall secure all unpaid assessments, interest, costs, and attorney's fees which are due and which may accrue subsequent to the recording of the claim of lien and prior to the entry of a certificate of title, as well as interest and all reasonable costs and attorney's fees incurred by the association incident to the collection process entry of a final judgment of foreclosure. A claim of lien must be signed and acknowledged by an officer or agent of the association. Upon payment in full, the person making the payment is entitled to a satisfaction of the lien.

(c) By recording a notice in substantially the following form, a unit owner or his agent or attorney may require the association to enforce a recorded claim of lien against his condominium parcel:

NOTICE OF CONTEST OF LIEN

TO: ...(Name and address of association)... You are notified that the undersigned contests the claim of lien filed by you on 19...., and recorded in Official Records Book at Page, of the public records of County, Florida, and that the time within which you may file suit to enforce your lien is limited to 90 days from the date of service of this notice. Executed this day of, 19....

Signed: ...(Owner or Attorney)...

(b) After notice of contest of lien has been recorded, the clerk of the circuit court shall mail a copy of the recorded notice of contest to the association by certified mail, return receipt requested, lien claimant at the address shown in the claim of lien or most recent amendment to it and; shall certify to the service on the face of the notice, and shall record the notice. Service is complete upon mailing. After service, the association has 90 days in which to file an action to enforce the lien; and, if the action is not filed within the 90-day period, the lien is void. However, the 90-day period shall be extended for any length of time that the association is prevented from filing its action because of an automatic stay resulting from the filing of a bankruptcy petition by the unit owner or by any other person claiming an interest in the parcel.

(8) Within 15 days after receiving a written request therefor from by a unit owner purchaser, or unit mortgagee, the association shall provide a certificate signed by an officer or agent of the association stating all assessments and other moneys owed to the association by the unit owner with respect to the condominium parcel. Any person other than the owner who relies upon such certificate shall be protected thereby. A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this subsection, and in any such action the prevailing party is entitled to recover reasonable attorney's fees.

Section 11. Section 718.122, Florida Statutes, is amended to read:

718.122 Unconscionability of certain leases; rebuttable presumption.—

(1) A lease pertaining to use by condominium unit owners of recreational or other common facilities, irrespective of the date on which such lease was entered into, is presumptively unconscionable if all of the following elements exist:

(a) The lease was executed by persons none of whom at the time of the execution of the lease were elected by condominium unit owners, other than the developer, to represent their interests;

(b) The lease requires either the condominium association or the condominium unit owners to pay real estate taxes on the subject real property;

(c) The lease requires either the condominium association or the condominium unit owners to insure buildings or other facilities on the subject real property against fire or any other hazard;

(d) The lease requires either the condominium association or the condominium unit owners to perform some or all maintenance obligations pertaining to the subject real property or facilities located upon the subject real property;

(e) The lease requires either the condominium association or the condominium unit owners to pay rents to the lessor for a period of 21 years or more;

(f) The lease provides that failure of the lessee to make payments of rents due under the lease either creates, establishes, or permits establishment of a lien upon individual condominium units of the condominium to secure claims for rent;

(g) The lease requires an annual rental which exceeds 25 percent of the appraised value of the leased property as improved, provided that, for purposes of this paragraph, "annual rental" means the amount due during the first 12 months of the lease for all units, regardless of whether such units were in fact occupied or sold during that period, and "appraised value" means the appraised value placed upon the leased property the first tax year after the sale of a unit in the condominium;

(h) The lease provides for a periodic rental increase ~~based upon reference to a price index~~; and

(i) The lease or other condominium documents require that every transferee of a condominium unit must assume obligations under the lease.

(2) The Legislature expressly finds that many leases involving use of recreational or other common facilities by residents of condominiums were entered into by parties wholly representative of the interests of a condominium developer at a time when the condominium unit owners not only did not control the administration of their condominium, but also had little or no voice in such administration. Such leases often contain numerous obligations on the part of either or both a condominium association and condominium unit owners with relatively few obligations on the part of the lessor. Such leases may or may not be unconscionable in any given case. Nevertheless, the Legislature finds that a combination of certain onerous obligations and circumstances warrants the establishment of a rebuttable presumption of unconscionability of certain leases, as specified in subsection (1). The presumption may be rebutted by a lessor upon the showing of additional facts and circumstances to justify and validate what otherwise appears to be an unconscionable lease under this section. Failure of a lease to contain all the enumerated elements shall neither preclude a determination of unconscionability of the lease nor raise a presumption as to its conscionability. It is the intent of the Legislature that this section is remedial and does not create any new cause of action to invalidate any condominium lease, but shall operate as a statutory prescription on procedural matters in actions brought on one or more causes of action existing at the time of the execution of such lease.

(3) Any provision of the Florida Statutes to the contrary notwithstanding, neither the statute of limitations nor laches shall prohibit unit owners from maintaining a cause of action under the provisions of this section.

Section 12. Subsections (1) and (4) of section 718.1255, Florida Statutes, are amended to read:

718.1255 Alternative dispute resolution; voluntary mediation; mandatory non-binding arbitration; legislative findings.—

(1) DEFINITIONS.—As used in this section, the term "dispute" means any disagreement between two or more parties that involves:

(a) The authority of the board of directors, under any law or association document to:

1. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto.

2. Alter or add to a common area or element.

(b) The failure of a governing body, when required by law or an association document, to:

1. Properly conduct elections.

2. Give adequate notice of meetings or other actions.

3. Properly conduct meetings.

4. Allow inspection of books and records.

"Dispute" does not include any disagreement that primarily involves title to any unit or common element; the interpretation or enforcement of any warranty; or the levy of a fee or assessment, or the collection of an assessment levied against a party.

(4) **MANDATORY NONBINDING ARBITRATION OF DISPUTES.**—The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation shall employ full-time attorneys to act as arbitrators to conduct the arbitration hearings provided by this chapter. No person may be employed by the department as a full-time arbitrator unless he is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence.

(a) Prior to the institution of court litigation, the parties to a dispute shall petition the division for nonbinding arbitration. Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(b) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by law.

(c) The arbitration decision shall be presented to the parties in writing. An arbitration decision shall be final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party may be awarded the costs of the arbitration, reasonable attorney's fees, or both, in an amount determined in the discretion of the arbitrator.

(d) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more

favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(e) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition is granted, the petitioner may recover reasonable attorney's fees and costs incurred in enforcing the arbitration award.

Section 13. Section 718.614, Florida Statutes, is amended to read:

718.614 Economic information to be provided.—The developer shall distribute to tenants having a right of first refusal, if any:

(1) Information in summary form regarding mortgage financing; estimated down payment; alternative financing and down payments; monthly payments of principal, interest, and real estate taxes; and federal income tax benefits.

~~(2) Market information, if any, compiled from developers on a voluntary basis and prepared by the division, describing condominium units which have been offered for sale within the last 12 months in the county in which the tenant resides. The market information shall include a statement substantially as follows: This information is from the files of the Division of Florida Land Sales, Condominiums, and Mobile Homes. It is believed correct but is not warranted by the Division of Florida Land Sales, Condominiums, and Mobile Homes or the condominium developers. If you desire additional information, you may contact the developer or a real estate agent.~~

~~(2)(3)~~ Any other information which the division publishes and by rule determines will assist tenants in making a decision and which the division makes available to the developer.

Section 14. Subsection (1) of section 718.616, Florida Statutes, is amended to read:

718.616 Disclosure of condition of building and estimated replacement costs.—

(1) Each developer ~~of creating~~ a residential condominium ~~created~~ by converting existing, previously occupied improvements to such form of ownership shall disclose the condition of the improvements and the condition of certain components and their current estimated replacement costs.

Section 15. Section 718.618, Florida Statutes, is amended to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection ~~(6)(7)~~, or post a surety bond as provided by subsection ~~(7)(8)~~. The developer shall fund the reserve accounts in amounts calculated as follows:

(a)1. When the existing improvements include an air conditioning system serving more than one unit or property which the association is responsible to repair, maintain, or replace, the developer shall fund an air conditioning reserve account.

~~When such air conditioning system includes a central air or water cooling system, The amount of the reserve account shall be the product of the estimated current replacement cost of the system, as disclosed and substantiated pursuant to s. 718.616(3)(b) not less than \$1 for each square foot of floor area served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 9, and the denominator of which shall be 10. When such air conditioning system is within 1,000 yards of the seacoast, the numerator shall be the lesser of the age of the system in years or 3, and the denominator shall be 4.~~

2. The developer shall fund a plumbing reserve account. The amount of the funding shall be the product of the estimated current replacement cost of the plumbing component, as disclosed and substantiated pursuant to s. 718.616(3)(b) not less than 30 cents for each square foot of floor area in the existing improvements, multiplied by a fraction, the numerator of which shall be the lesser of the age of the plumbing in years or 36, and the denominator of which shall be 40.

3. The developer shall fund a roof reserve account. The amount of the funding shall be the product of the estimated current replacement cost of the roofing component, as disclosed and substantiated pursuant to s. 718.616(3)(b) not less than the unit amount for each square foot of roof, multiplied by a fraction, the numerator of which shall be the lesser of the age of the roof in years or the numerator listed in the following table. The ~~unit amount and the~~ denominator of the fraction shall be determined based on the roof type, as follows:

| Roof Type | Unit Amount | Numerator | Denominator |
|-------------------------------------|-------------------|-----------|-------------|
| a. Built-up roof without insulation | \$0.90 | 4 | 5 |
| b. Built-up roof with insulation | 1.40 | 4 | 5 |
| c. Cement tile roof | 1.80 | 45 | 50 |
| d. Asphalt shingle roof | 1.80 | 14 | 15 |
| e. Copper roof | 0.00 | | |
| f. Wood shingle roof | 1.70 | 9 | 10 |
| g. All other types | 1.00 | 18 | 20 |

~~The amount required for the roof reserve account shall be increased by 20 percent if the roof pitch is greater than 6 to 12.~~

(b) The age of any component or structure for which the developer is required to fund a reserve account shall be measured in years from the later of:

1. The date when the component or structure was replaced or substantially renewed, if the replacement or renewal of the component at least met the requirements of the then-applicable building code; or

2. The date when the installation or construction of the existing component or structure was completed.

(c) When the age of a component or structure is to be measured from the date of replacement or renewal, the developer shall provide the division with a certificate, ~~under the seal of in affidavit form, of the developer, its agent, or an architect or engineer authorized to practice in this state, verifying:~~

1. The date of the replacement or renewal; and
2. That the replacement or renewal at least met the requirements of the then-applicable building code.

(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein.

(2)(a) The developer shall fund the reserve account required by subsection (1), on a pro rata basis upon the sale of each unit. The developer shall deposit in the reserve account not less than a percentage of the total amount to be deposited in the reserve account equal to the percentage of ownership of the common elements allocable to the unit sold. When a developer deposits amounts in excess of the minimum reserve account funding, later deposits may be reduced to the extent of the excess funding. For the purposes of this subsection, a unit is considered sold when a fee interest in the unit is transferred to a third party or the unit is leased for a period in excess of 5 years.

(b) When an association makes an expenditure of reserve account funds before the developer has sold all units, the developer shall make a deposit in the reserve account. Such deposit shall be at least equal to that portion of the expenditure which would be charged against the reserve account deposit that would have been made for any such unit had the unit been sold. Such deposit may be reduced to the extent the developer has funded the reserve account in excess of the minimum reserve account funding required by this subsection. This paragraph applies only when the developer has funded reserve accounts as provided by paragraph (a).

(3) The use of reserve account funds is limited as follows:

(a) Reserve account funds may be spent prior to the assumption of control of the association by unit owners other than the developer; and

(b) Reserve account funds may be expended only for repair or replacement of the specific components for which the funds were deposited, unless, after assumption of control of the association by unit owners other than the developer, it is determined by three-fourths of the voting interests in the condominium to expend the funds for other purposes.

(4) The developer shall establish the reserve account in the name of the association at a bank, savings and loan association, or trust company located in this state.

(5) A developer may establish and fund additional reserve accounts.

~~(6) The division shall annually review the funding amounts established by paragraph (1)(a). In reviewing the funding amounts, the division shall consider changes in the cost and availability of labor and materials; advances in construction techniques; technological changes; interest rates; inflation; published construction cost estimating tables; and the comments of members of the public, including representatives of the construction industry and apartment industry, particularly general contractors, air conditioning contractors, plumbing contractors;~~

~~roofing contractors, architects, and engineers. When the division determines that the funding amounts require adjustment, the division shall conduct public hearings and make recommendations to the Legislature regarding the adjustment and revision of any funding amounts.~~

(6)(7) A developer makes no implied warranties when existing improvements are converted to ownership as a residential condominium and reserve accounts are funded in accordance with this section. As an alternative to establishing such reserve accounts, or when a developer fails to establish the reserve accounts in accordance with this section, the developer shall be deemed to have granted to the purchaser of each unit an implied warranty of fitness and merchantability for the purposes or uses intended, as to the roof and structural components of the improvements; as to fireproofing and fire protection systems; and as to mechanical, electrical, and plumbing elements serving the improvements, except mechanical elements serving only one unit. The warranty shall be for a period beginning with the notice of intended conversion and continuing for 3 years thereafter, or the recording of the declaration to condominium and continuing for 3 years thereafter, or 1 year after owners other than the developer obtain control of the association, whichever occurs last, but in no event more than 5 years.

(a) The warranty provided for in this section is conditioned upon routine maintenance being performed, unless the maintenance is an obligation of the developer or a developer-controlled association.

(b) The warranty shall inure to the benefit of each owner and successor owner.

(c) Existing improvements converted to residential condominium may be covered by an insured warranty program underwritten by an insurance company authorized to do business in this state, if such warranty program meets the minimum requirements of this chapter. To the degree that the warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

(7)(8) When a developer desires to post a surety bond, the developer shall, after notification to the buyer, acquire a surety bond issued by a company licensed to do business in this state, if such a bond is readily available in the open market, in an amount which would be equal to the total amount of all reserve accounts required under subsection (1), payable to the association.

(8) The amended provisions of this section do not affect a conversion of existing improvements when a developer has filed a notice of intended conversion and the documents required by s. 718.503 or s. 718.504, as applicable, with the division prior to the effective date of this law, provided:

(a) The documents are proper for filing purposes.

(b) The developer, not later than 6 months after such filing:

1. Records a declaration for such filing in accordance with part I.

2. Gives a notice of intended conversion.

Section 16. Section 719.1055, Florida Statutes, is amended to read:

719.1055 Amendment of cooperative documents; alteration and acquisition of property.—

(1) Unless otherwise provided in the original cooperative documents ~~as originally recorded~~, no amendment thereto may change the configuration or size of any cooperative unit in any material fashion, materially alter or modify the appurtenances of the unit, or change the proportion or percentage by which the owner of the parcel shares the common expenses and owns the common surplus, unless the record owner of the unit and all record owners of liens on it join in the execution of the amendment and unless the record owners of all other units approve the amendment. Cooperative documents in cooperatives created after July 1, 1994, may not require less than a majority of total voting interests for amendments under this section, unless required by any governmental entity.

(2) Unless a lower number is provided in the cooperative documents or unless such action is expressly prohibited by the articles of incorporation or bylaws of the cooperative, the acquisition of real property by the association, and material alterations or substantial additions to such property by the association shall not be deemed to constitute a material alteration or modification of the appurtenances to the unit if such action is approved by 75 percent of the total voting interests of the cooperative.

(3) Unless other procedures are provided in the cooperative documents or such action is expressly prohibited by the articles of incorporation or bylaws of the cooperative, the association may change the configuration or size of any unit in a mobile home cooperative in a material fashion, or materially alter or modify the common areas or appurtenances of such unit if the action is approved by 75 percent of the total voting interests of the cooperative.

Section 17. Paragraphs (a), (f), (j), and (l) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described, indicating the titles of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and board members. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of cooperatives having five or fewer units, in which case in not-for-profit corporations, the board shall consist of not fewer than three members. In the absence of provisions to the contrary, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of those offices customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them those duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner files a written complaint by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the complaint. The ~~board's response~~ board shall either give a sub-

stantive response to the complainant, notify the complainant that a legal opinion has been requested, or notify the complainant that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the complainant. If a legal opinion is requested, the board shall, within 60 days after the receipt of the complaint, provide in writing a substantive response to the complainant. The failure to provide a substantive response to the complainant as provided herein ~~The failure to act within 30 days and to notify the unit owner within 30 days of the action taken~~ precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the complaint.

(f) Recall of board members.—Subject to the provisions of s. 719.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the voting interests. A special meeting of the voting interests to recall any member of the board of administration may be called by 10 percent of the unit owners giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting.

1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall shall be effective as provided herein immediately, and each recalled member of the board of administration shall turn over to the board any and all records of the association in his possession within 72 hours after the meeting. The board shall duly notice and hold a board meeting within 5 full business days of the adjournment of the unit owner meeting to recall one or more board members. At the meeting, the board shall either certify the recall, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or shall proceed as set forth in subparagraph 3.

2. If the proposed recall is by an agreement in writing by a majority of all voting interests, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of administration shall duly notice and hold ~~call~~ a meeting of the board within 5 full business days ~~72 hours~~ after receipt of the agreement in writing. At the meeting, the board ~~and~~ shall either certify the written agreement to recall members of the board, in which case such members shall be recalled effective immediately and shall turn over to the board, within 5 full business days ~~72 hours~~, any and all records and property of the association in their possession, or proceed as described in subparagraph 3.

3. If the board determines not to certify the written agreement to recall members of the board, or does not certify if the recall by a vote at a meeting is disputed, the board shall, within 5 full business days after the board meeting ~~72 hours~~, file with the division a petition for binding arbitration pursuant to the procedures of s. 719.1255. For purposes of this paragraph, the unit owners who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration. If the arbitrator certifies the recall as to any member of the board, the recall shall be effective upon mailing service of the final order of arbitration to upon the association. If the association fails to comply with the order of the arbitrator, the division may take action pursuant to s. 719.501. Any member so recalled shall deliver to the board any and all records and property of the associ-

ation in his possession within 5 full business days ~~72 hours~~ of the effective date of the recall.

4. If the board fails to duly notice and hold a board meeting within 5 full business days of service of an agreement in writing or within 5 full business days of the adjournment of the unit owner recall meeting, the recall shall be deemed effective and the board members so recalled shall immediately turn over to the board any and all records and property of the association.

~~5.4.~~ If a vacancy occurs on the board as a result of a recall and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this chapter. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this chapter. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but prior to the recall election.

(j) Annual budget.—

1. The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20).

2. In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$10,000. The amount to be reserved shall be computed by means of a formula which is based upon estimated life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any extension of the useful life of a reserve item caused by deferred maintenance. This paragraph shall not apply to any budget in which the members of an association have, by a vote of the majority of the total voting interests voting in person or by limited proxy members present at a duly called meeting of the association, determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 719.301, the developer may vote to waive the reserves for the first two years of the operation of the association after which time reserves may only be waived or reduced upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy present at a duly called meeting of the association. If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account for authorized reserve expenditures, unless their use for other purposes is approved in advance by a vote of the majority of the voting interests present at a duly called meeting of the association.

(1) Arbitration.—There shall be a provision for ~~mandatory nonbinding voluntary binding~~ arbitration of internal disputes arising from the operation of the cooperative among developers, unit owners, associations, and their agents and assigns in accordance with s. 719.1255.

Section 18. Section 719.112, Florida Statutes, is amended to read:

719.112 Unconscionability of certain leases; rebuttable presumption.—

(1) The Legislature expressly finds that many leases involving use of recreational or other common facilities by residents of cooperatives were entered into by parties wholly representative of the interests of a cooperative developer at a time when the cooperative unit owners not only did not control the administration of their cooperative but also had little or no voice in such administration. Such leases often contain numerous obligations on the part of either or both a cooperative association and cooperative unit owners with relatively few obligations on the part of the lessor. Such leases may or may not be unconscionable in any given case. Nevertheless, the Legislature finds that a combination of certain onerous obligations and circumstances warrants the establishment of a rebuttable presumption of unconscionability of certain leases, as specified in subsection (2). The presumption may be rebutted by a lessor upon the showing of additional facts and circumstances to justify and validate what otherwise appears to be an unconscionable lease under this section. Failure of a lease to contain all the enumerated elements shall neither preclude a determination of unconscionability of the lease nor raise a presumption as to its conscionability. It is the intent of the Legislature that this section is remedial and does not create any new cause of action to invalidate any cooperative lease, but shall operate as a statutory prescription on procedural matters in actions brought on one or more causes of action existing at the time of the execution of such lease.

(2) A lease pertaining to use by cooperative unit owners of recreational or other common facilities, irrespective of the date on which such lease was entered into, is presumptively unconscionable if all of the following elements exist:

(a) The lease was executed by persons none of whom at the time of the execution of the lease were elected by cooperative unit owners, other than the developer, to represent their interests.

(b) The lease requires either the cooperative association or the cooperative unit owners to pay real estate taxes on the subject real property.

(c) The lease requires either the cooperative association or the cooperative unit owners to insure buildings or other facilities on the subject real property against fire or any other hazard.

(d) The lease requires either the cooperative association or the cooperative unit owners to perform some or all maintenance obligations pertaining to the subject real property or facilities located upon the subject real property.

(e) The lease requires either the cooperative association or the cooperative unit owners to pay rent to the lessor for a period of 21 years or more.

(f) The lease provides that failure of the lessee to make payment of rent due under the lease either creates, establishes, or permits establishment of a lien upon individual cooperative units of the cooperative or upon stock or other ownership interest to secure claims for rent.

(g) The lease requires an annual rental which exceeds 25 percent of the appraised value of the leased property as improved. For purposes of this paragraph, "annual rental" means the amount due during the first 12 months of the lease for all units, regardless of whether such units were in fact occupied or sold during that period, and "appraised value" means the appraised value placed upon the leased property the first tax year after the sale of a unit in the cooperative.

(h) The lease provides for a periodic rental increase ~~based upon reference to a price index.~~

(i) The lease or other cooperative documents require that every transferee of a cooperative unit must assume obligations under the lease.

(3) Any provision of the Florida Statutes to the contrary notwithstanding, neither the statute of limitations nor laches shall prohibit unit owners from maintaining a cause of action under the provisions of this section.

Section 19. Section 719.614, Florida Statutes, is amended to read:

719.614 Economic information to be provided.—The developer shall distribute to tenants having a right of first refusal, if any:

(1) Information in summary form regarding mortgage financing; estimated down payment; alternative financing and down payments; monthly payments of principal, interest, and real estate taxes; and federal income tax benefits.

~~(2) Market information, if any, compiled from developers on a voluntary basis and prepared by the division describing cooperative units which have been offered for sale within the last 12 months in the county in which the tenant resides. The market information shall include a statement substantially as follows: This information is from the files of the Division of Florida Land Sales, Condominiums, and Mobile Homes. It is believed correct but is not warranted by the Division of Florida Land Sales, Condominiums, and Mobile Homes or the cooperative developers. If you desire additional information, you may contact the developer or a real estate agent.~~

~~(2)(3)~~ Any other information which the division publishes and by rule determines will assist tenants in making a decision and which the division makes available to the developer.

Section 20. Subsection (1) of section 719.616, Florida Statutes, is amended to read:

719.616 Disclosure of condition of building and estimated replacement costs.—

(1) Each developer ~~of creating~~ a residential cooperative ~~created~~ by converting existing, previously occupied improvements to such form of ownership shall disclose the condition of the improvements and the condition of certain components and their current estimated replacement costs.

Section 21. Section 719.618, Florida Statutes, is amended to read:

719.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential cooperative, the developer shall establish reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection ~~(6)~~(7), or

post a surety bond as provided by subsection (7)(8). The developer shall fund the reserve accounts in amounts calculated as follows:

(a)1. When the existing improvements include an air conditioning system serving more than one unit or property which the association is responsible to repair, maintain, or replace, the developer shall fund an air conditioning reserve account. ~~When such air conditioning system includes a central air or water cooling system,~~ The amount of the reserve account shall be the product of the estimated current replacement cost of the system, as disclosed and substantiated pursuant to s. 719.613(3)(b), not less than \$1 for each square foot of floor area served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 9, and the denominator of which shall be 10. When such air conditioning system is within 1,000 yards of the seacoast, the numerator shall be the lesser of the age of the system in years or 3, and the denominator shall be 4.

2. The developer shall fund a plumbing reserve account. The amount of the funding shall be the product of the estimated current replacement cost of the plumbing component, as disclosed and substantiated pursuant to s. 719.616(3)(b), not less than 30 cents for each square foot of floor area in the existing improvements, multiplied by a fraction, the numerator of which shall be the lesser of the age of the plumbing in years or 36, and the denominator of which shall be 40.

3. The developer shall fund a roof reserve account. The amount of the funding shall be the product of the estimated current replacement cost of the roofing component, as disclosed and substantiated pursuant to s. 719.616(3)(b), not less than the unit amount for each square foot of roof, multiplied by a fraction, the numerator of which shall be the lesser of the age of the roof in years or the numerator listed in the following table. The ~~unit amount and the~~ denominator of the fraction shall be determined based on the roof type, as follows:

| Roof Type | Unit Amount | Numerator | Denominator |
|-------------------------------------|-------------|-----------|-------------|
| a. Built-up roof without insulation | \$0.90 | 4 | 5 |
| b. Built-up roof with insulation | 1.40 | 4 | 5 |
| c. Cement tile roof | 1.80 | 45 | 50 |
| d. Asphalt shingle roof | 1.80 | 14 | 15 |
| e. Copper roof | 0.00 | | |
| f. Wood shingle roof | 1.70 | 9 | 10 |
| g. All other types | 1.00 | 18 | 20 |

~~The amount required for the roof reserve account shall be increased by 20 percent if the roof pitch is greater than 6 to 12.~~

(b) The age of any component or structure for which the developer is required to fund a reserve account shall be measured in years from the later of:

1. The date when the component or structure was replaced or substantially renewed, if the replacement or renewal of the component at least met the requirements of the then-applicable building code; or

2. The date when the installation or construction of the existing component or structure was completed.

(c) When the age of a component or structure is to be measured from the date of replacement or renewal, the developer shall provide the division with a certificate, ~~under the seal of in affidavit form, of the developer, its agent, or an architect or engineer authorized to practice in this state, verifying:~~

1. The date of the replacement or renewal; and

2. That the replacement or renewal at least met the requirements of the then-applicable building code.

(2)(a) The developer shall fund the reserve account required by subsection (1) on a pro rata basis upon the sale of each unit. The developer shall deposit in the reserve account not less than a percentage of the total amount to be deposited in the reserve account equal to the percentage of ownership of the common elements allocable to the unit sold. When a developer deposits amounts in excess of the minimum reserve account funding, later deposits may be reduced to the extent of the excess funding. For the purposes of this subsection, a unit is considered sold when a fee interest in the unit is transferred to a third party or the unit is leased for a period in excess of 5 years.

(b) When an association makes an expenditure of reserve account funds before the developer has sold all units, the developer shall make a deposit in the reserve account. Such deposit shall be at least equal to that portion of the expenditure which would be charged against the reserve account deposit that would have been made for any such unit had the unit been sold. Such deposit may be reduced to the extent the developer has funded the reserve account in excess of the minimum reserve account funding required by this subsection. This paragraph applies only when the developer has funded reserve accounts as provided by paragraph (a).

(3) The use of reserve account funds is limited as follows:

(a) Reserve account funds may be spent prior to the assumption of control of the association by unit owners other than the developer; and

(b) Reserve account funds may be expended only for repair or replacement of the specific components for which the funds were deposited, unless, after assumption of control of the association by unit owners other than the developer, a determination is made by a three-fourths vote of all unit owners to expend the funds for other purposes.

(4) The developer shall establish the reserve account in the name of the association at a bank, savings and loan association, or trust company located in this state.

(5) A developer may establish and fund additional reserve accounts.

~~(6) The division shall annually review the funding amounts established by paragraph (1)(a). In reviewing the funding amounts, the division shall consider changes in the cost and availability of labor and materials; advances in construction techniques; technological changes; interest rates; inflation; published construction cost estimating tables; and the comments of members of the public, in-~~

cluding representatives of the construction industry and apartment industry, particularly general contractors, air conditioning contractors, plumbing contractors, roofing contractors, architects, and engineers. When the division determines that the funding amounts require adjustment, the division shall conduct public hearings and make recommendations to the Legislature regarding the adjustment and revision of any funding amounts.

(6)(7) A developer makes no implied warranties when existing improvements are converted to ownership as a residential cooperative and reserve accounts are funded in accordance with this section. As an alternative to establishing such reserve accounts, or when a developer fails to establish the reserve accounts in accordance with this section, the developer shall be deemed to have granted to the purchaser of each unit an implied warranty of fitness and merchantability for the purposes or uses intended as to the roof and structural components of the improvements; as to fireproofing and fire protection systems; and as to mechanical, electrical, and plumbing elements serving the improvements, except mechanical elements serving only one unit. The warranty shall be for a period beginning with the notice of intended conversion and continuing for 3 years thereafter, or the recording of the declaration to cooperative and continuing for 3 years thereafter, or 1 year after owners other than the developer obtain control of the association, whichever occurs last, but in no event more than 5 years.

(a) The warranty provided for in this section is conditioned upon routine maintenance being performed, unless the maintenance is an obligation of the developer or a developer-controlled association.

(b) The warranty shall inure to the benefit of each owner and successor owner.

(c) Existing improvements converted to residential cooperative may be covered by an insured warranty program underwritten by an insurance company authorized to do business in this state, if such warranty program meets the minimum requirements of this chapter. To the degree that the warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

(7)(8) When a developer desires to post a surety bond, the developer shall, after notification to the buyer, acquire a surety bond issued by a company licensed to do business in this state, if such a bond is readily available in the open market, in an amount which would be equal to the total amount of all reserve accounts required under subsection (1), payable to the association.

(8) The amended provisions of this section do not affect a conversion of existing improvements when a developer has filed a notice of intended conversion and the documents required by s. 719.503 or s. 719.504, as applicable, with the division prior to the effective date of this law, provided:

(a) The documents are proper for filing purposes.

(b) The developer, not later than 6 months after such filing:

1. Creates a cooperative for such filing in accordance with part I.
2. Gives a notice of intended conversion.

Section 22. The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation is directed to

conduct a study of the laws governing mandatory homeowners' associations and residential subdivisions and report to the President of the Senate and the Speaker of the House of Representatives concerning the same, on or before January 15, 1995. The study must evaluate the changes and additions, if any, to those laws which may be appropriate to protect the interests of consumers and property owners on matters including, but not limited to, control of the association's operations; agreements for recreational amenities, management, and maintenance; and disclosure of covenants governing the real property. The division is encouraged to accept input from the public, including organizations representing individuals affected by those laws.

Section 23. For the purpose of property and casualty insurance risk classification, condominiums shall be classed as residential property.

Section 24. Section 418.21, Florida Statutes, is amended to read:

418.21 Governing body.—

(1) The governing body of a recreation district shall be determined by ordinance of the municipality or county that which created the district and must shall be either:

(a) A five-member or larger board of supervisors elected from among the residents of the district, or

(b) The governing body of the municipality or county that which created the district.

(2)(a) If the governing body is a board of supervisors, the ordinance must creating the district shall specify the date of the election and must shall provide that each property owner or resident in the district has shall have the right to vote in the election. The ordinance may also provide for the staggering of terms of the supervisors. The ordinance may also provide for the establishment of designated geographic areas within the district from each of which are elected one or more members of the board of supervisors to represent that area, provided the ordinance is made contingent on approval by a majority vote of the electors in each designated area.

(b) Members of the board of supervisors shall serve without compensation.

(3) If the governing body is the governing body of the municipality or county that which created the district, that body may appoint a district advisory board to advise it on all matters relating to the district. Members of the advisory board shall serve without compensation.

Section 25. Subsection (3) of section 418.22, Florida Statutes, is amended to read:

418.22 Powers of recreation districts.—The charter of a recreation district may grant to the recreation district the following powers and all further or additional powers as the governing body of the municipality or county establishing the district may deem necessary or useful in order to exercise the powers for which provision is hereinafter made. The powers which may be granted by such charter include the following:

(3) To acquire, purchase, construct, improve, and equip recreational facilities of all types, including real and personal property, within the boundaries of the dis-

trict; such acquisition may be by purchase, lease, gift, or exercise of the power of eminent domain. If the governing body of the municipality or county that created the recreation district for exclusive use by a condominium established under chapter 718 or a cooperative established under chapter 719 makes the finding described in s. 418.24(4), the governing body of the district may make the recreational facilities available exclusively for district residents and property owners, and may restrict any access to recreational facilities by nonresidents by rules adopted by the governing body of the district. Prior to any vote of the electors in the district adopting or amending a charter pursuant to s. 418.20, the governing body shall decide whether the criteria in s. 418.24(4) apply and whether the recreation district shall be available exclusively for the district residents. The recreation district may construct and maintain security buildings and other structures needed to regulate access to, and provide security for, the recreational facilities.

Section 26. Section 418.24, Florida Statutes, is amended to read:

418.24 Filing of ordinance.—Any ordinance creating or amending the charter of a recreation district, upon being finally adopted, shall be filed in the minutes of the governing body of the municipality or county, and certified copies thereof shall be filed with the county clerk of the county in which said district is located and with the property appraiser of said county. The charter of a recreation district may contain findings by the governing body of the municipality or county:

- (1) That the creation of such district is the best alternative available for delivering recreational service.
- (2) That such district is amenable to separate special district government.
- (3) That all of the territory in the district will be benefited by proposed improvements to be made by said district.

(4) That, for recreation districts created for exclusive use by a condominium established pursuant to chapter 718 or a cooperative established under chapter 719, based upon the number of residents, potential for proliferation of crime, automobile traffic flow, district development, availability of other recreational facilities outside the district, excessive noise levels, or other factors applicable to the particular district, a valid and paramount public purpose will be served by making the recreational facilities available exclusively for district residents and property owners.

If such charter contains any one or more such findings, each such finding may be reviewed by a court only as part of any review of the ordinance making such finding.

Section 27. Except for this section and sections 22, 23, and 24 of this act, which shall take effect upon becoming a law, this act shall take effect October 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-351

House Bill No. 2509

An act relating to tax on sales, use, and other transactions; amending s. 212.0306, F.S., which authorizes certain charter counties to levy a local option tax on food and beverages for specified purposes; requiring businesses to determine their taxable status with respect to the exemption applicable to businesses which had revenues of \$400,000 or less in the previous year at the end of each year and notify the tax collector of any change; requiring new businesses to collect taxes for a specified period to determine their exemption status; providing a method of determining estimated annual gross receipts for such businesses; revising the exemption for veterans', fraternal, and other clubs; revising the authorized uses of the tax on food, beverages, or alcoholic beverages sold in establishments licensed for on-premises consumption; clarifying language regarding application of that tax; requiring an advisory board to the county commissioners and defining the activities of said boards; repealing s. 212.0306(7), F.S., which provides for October 1, 2008, repeal of said section; amending s. 212.0305, F.S.; revising the use of proceeds of the charter county convention development tax; revising requirements relating to appointment of authorities and terms and qualifications of members; providing additional powers of authorities; providing requirements relating to approval of authorities' budgets; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1), subsection (2), and paragraph (b) of subsection (3) of section 212.0306, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

212.0306 Local option food and beverage tax; procedure for levying; authorized uses; administration.—

(1) Any county, as defined in s. 125.011(1), may impose the following additional taxes, by ordinance adopted by a majority vote of the governing body:

(b) At the rate of 1 percent on the sale of food, beverages, or alcoholic beverages in establishments that are licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels; however, the tax shall not apply to any alcoholic beverage ~~item~~ sold by the package for off-premises consumption.

~~(2)(a) L. Beginning July 1 of each year, and effective until the following June 30, The sales in any establishment licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels, that had gross annual revenues of \$400,000 or less in the previous calendar year, are exempt from the tax authorized by paragraph (1)(b).~~

2. For purposes of determining qualification for this exemption, each such establishment shall determine the gross annual revenues of the business at the end of each calendar year. If an establishment's exemption status changes, the establishment shall cease or begin collection of the tax effective the following February

1 in accordance with its new exemption status. An establishment must notify the tax collector of the county levying the tax of such change in writing no later than 20 days after the end of the calendar year.

Each newly opened establishment must collect the tax authorized by paragraph (1)(b) for 45 days commencing with its first day of business. After such time a newly opened business may cease collecting the tax if its projected gross annual revenues are \$400,000 or less. Projected gross annual revenues shall be determined by dividing gross revenues for the first 45 days by 45, and multiplying the resulting quotient by 365. Newly opened businesses which cease collecting the tax must notify the tax collector of the county levying the tax within 20 days after the last day the tax is collected. A newly opened establishment which has been in business for less than 45 days as of the end of its first calendar year is exempt from the provisions of subparagraph 2.

(b) ~~Sales in any veterans' organization, fraternal, or other chartered or incorporated club licensed under s. 565.02(4) are exempt from the tax authorized by paragraph (1)(b).~~

(c) All transactions that are exempt from the state sales tax are exempt from the taxes authorized by subsection (1).

(d) Sales in cities or towns presently imposing a municipal resort tax as authorized by chapter 67-930, Laws of Florida, are exempt from the taxes authorized by subsection (1).

(3)

(b) For the first 12 months, the proceeds from the tax authorized by paragraph (1)(b) shall be used by the county to assist persons who have become, or are about to become, homeless. These funds shall be made available for emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment, employment and training, education, and housing. Thereafter, not less than 15 percent of these funds shall be made available for construction and operation of domestic violence centers ~~a spouse abuse emergency treatment and shelter facility~~, and the remainder shall be used for the other purposes set forth in this paragraph. In addition, the proceeds of the tax and interest accrued may be used as collateral, pledged or hypothecated, for any projects authorized by this paragraph, including bonds issued in connection therewith. Prior to enactment of the ordinance levying and imposing the tax provided for by paragraph (1)(b), the county shall appoint a representative task force including, but not limited to, service providers, homeless advocates, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for addressing the needs of persons who have become, or are about to become, homeless. The governing board of the county shall adopt this countywide plan for addressing homeless needs as part of the ordinance levying the tax.

(7) Each county shall also appoint an oversight board including but not limited to service providers, domestic violence victim advocates, members of the judiciary, concerned citizens, a victim of domestic violence and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for disbursing the funds made available for the construction and operation of domestic violence centers. Each member of the county's governing board shall appoint a member, and the county manager shall appoint two members to the oversight board.

Section 2. Subsection (7) of section 212.0306, Florida Statutes, as created by chapter 93-233, Laws of Florida, is hereby repealed.

Section 3. Paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums, and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used, as determined by the county, to operate an authority created pursuant to subparagraph 4. or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums, golf courses, or related buildings and parking facilities in the most populous municipality in the county ~~as determined by the county.~~

e. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4.a. Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a., or sub-subparagraph 2.b., sub-subparagraph 2.c., or sub-subparagraph 2.d. As a condition precedent to receiving funding, the governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to:

(I) Approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue.

(II) Appoint and dismiss the authority's executive director, general counsel, and any other consultants retained by the authority. The governing body shall have the right to approve or disapprove the initial appointment of the authority's executive director and general counsel.

~~b.~~ The members of each such authority ~~shall be selected from the tourism and hospitality industry that does business within such municipality and shall serve for a term of not less than 1 year and shall be appointed by at the pleasure of the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality. If the governing body does not approve the budget, the authority shall use as the authority's budget the previous fiscal year budget.~~

~~c.~~ The authority, by resolution to be adopted from time to time, may invest and reinvest the proceeds from the convention development tax and any other revenues generated by the authority in the same manner that the municipality in which the authority is located may invest surplus funds.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

Section 4. This act shall take effect July 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-352

House Bill No. 2545

An act relating to the distribution of Florida Cases; amending s. 25.311, F.S.; changing terminology in relation to Florida Cases; amending s. 25.321, F.S.; changing terminology to Supreme Court Librarian to specify with whom certain affidavits are to be filed; amending s. 25.331, F.S.; authorizing the provision of alternate forms of Florida Cases and the exchange of reports; amending s. 25.381, F.S.; providing for publication of Florida Cases in alternate formats; providing an effective date.

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

Section 1. Section 25.311, Florida Statutes, is amended to read:

25.311 ~~Distribution of reports volumes.~~—Copies of the reports of the decisions of the Supreme Court and of the district courts of appeal shall be distributed as follows: to the Governor, and to each Cabinet officer, except to the Attorney General, to each of the justices of the Supreme Court, to each judge of the district courts of appeal, to each circuit judge, to each judge of county courts, to each state attorney, to each public defender, to each state university and legal depository, and two ~~bound~~ copies thereof to the Attorney General. A ~~bound~~ copy thereof shall be transmitted by mail or express to the Governor of each state and territory which sends the reports of its courts to this state. A ~~bound~~ copy thereof shall be transmitted to the clerks of the United States district courts, for the use of the judges of said courts, in the Northern, Middle, and Southern Districts of Florida, in each city in the state where sessions of said courts are now appointed by law to be held, and three ~~copies bound volumes~~ to the Clerk of the United States Circuit Court of Appeals for the Eleventh Circuit.

Section 2. Section 25.321, Florida Statutes, is amended to read:

25.321 ~~Reports Volumes~~ to be resupplied.—A copy of reports of decisions of the Supreme Court and district courts of appeal shall be supplied or resupplied to all public officers entitled to be furnished a copy thereof by law, where such copy has never been furnished to such officers, or any predecessors in office, or where the same shall have been lost or destroyed without the fault of the officer, provided that the fact that such officer or his predecessors have never been supplied with such copy, or the loss or destruction thereof be made to appear by an affidavit filed with the Supreme Court Librarian ~~proper officer of this state~~.

Section 3. Section 25.331, Florida Statutes, is amended to read:

25.331 Reports to remain the property of the state.—All ~~Supreme Court reports of the opinions of the Supreme Court and the district courts of appeal~~ heretofore furnished to public officers of this state, or that may hereafter be supplied to

them, shall continue to remain the public property of the state, and shall belong to the public office of the officer to whom they are supplied for the official use of their successors in office in perpetuum. Copies of the reports previously supplied to such officers may be exchanged for reports in an alternate format to the extent they are available and in accordance with guidelines established by the Supreme Court.

Section 4. Section 25.381, Florida Statutes, is amended to read:

25.381 Reports; publication; purchase and distribution.—The reports of the opinions of the Supreme Court and the district courts of appeal shall be known as Florida Cases. In July, 1963, and every second year thereafter until otherwise provided by law, the Supreme Court and the Attorney General shall jointly enter into a contract with West Publishing Corporation Company, St. Paul, Minnesota, providing for the publication, in whatever format or formats are agreed upon, and distribution of such copies ~~volumes~~ of Florida Cases as necessary to furnish copies thereof to the officers and institutions as required or authorized by law. The copies ~~volumes~~ of such reports purchased by the state under such contract shall be paid for from moneys appropriated for this purpose.

Section 5. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-353

House Bill No. 2557

An act relating to tax administration; amending s. 45.031, F.S., which provides procedures for judicial sales of real or personal property; providing for filing a copy of the report of disbursements with the Department of Revenue; amending s. 69.041, F.S., which provides requirements relating to certain civil actions in which the state is named a party; providing requirements relating to the right of the department to participate in the disbursement of surplus funds in mortgage foreclosure actions; providing applicability; amending s. 125.0104, F.S.; authorizing counties levying the areas of critical state concern tourist impact tax to collect and administer the tax on a local basis; amending s. 199.185, F.S., exempting certain taxpayers from intangible personal property tax on accounts receivable derived from certain sales of alcoholic beverages; amending s. 199.232, F.S.; requiring the department to refund overpayments of intangible personal property tax without written claim; amending s. 206.028, F.S.; authorizing the Department of Revenue to contract with private companies to investigate applicants for a motor fuel refiner, importer, or wholesaler license; amending ss. 212.03, 212.06, and 212.18, F.S.; providing that persons who rent or grant a license to use accommodations in apartment houses, roominghouses, and tourist or trailer camps for periods longer than 6 months are not exercising a taxable privilege and are not considered sales tax dealers; amending s. 212.05, F.S.; providing an exemption from the sales

and use tax for out-of-state sales of detective, burglar protection, and other protection services; providing for record keeping; amending s. 212.08, F.S.; exempting certain leases of or licenses to use taxicabs or taxicab related equipment and services from the sales and use tax; amending s. 212.11, F.S.; revising conditions under which the department may authorize quarterly or semiannual sales tax returns; amending s. 212.67, F.S., which authorizes refunds of the tax on sales of fuels; authorizing transit systems, municipalities, counties, and school districts that are licensed as special fuel dealers to take a credit in lieu of refund; amending s. 213.053, F.S.; authorizing the department to provide certain information relating to part I of chapter 212, F.S., to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services; amending s. 213.21, F.S.; authorizing the department to settle or compromise a taxpayer's liability for the service fee imposed on a dishonored check or draft under certain conditions; amending ss. 538.09 and 538.25, F.S.; revising the fee required for fingerprint processing of applicants for registration as a secondhand dealer or secondary metals recycler; authorizing the department to modify reporting or filing periods to facilitate calculation of penalty and interest due under certain conditions; amending s. 624.5092, F.S.; clarifying provisions which specify taxes and assessments to which the insurance retaliatory tax does not apply; including sales and use taxes; deleting reference to the domicile of alien insurers and defining "similar insurer"; providing legislative intent; amending s. 561.025, F.S., relating to the distribution of funds deposited into the Alcoholic Beverage and Tobacco Trust Fund; creating s. 561.12, F.S., relating to deposit of revenues; amending s. 196.011, F.S.; providing for granting late filed application for property tax exemption; providing retroactive application; amending ss. 72.011 and 120.575, F.S.; providing that provisions relating to the contesting of certain tax matters are applicable to chapters relating to tax on tobacco products, pari-mutuel wagering, and the Beverage Law; amending s. 72.031, F.S.; providing that the Department of Business and Professional Regulation is the defendant in such actions; reenacting and amending s. 95.091, F.S.; specifying the time limits for the department to determine and assess taxes; reenacting ss. 215.26(6) and 26.012(2), F.S., for the purpose of incorporating changes to s. 72.011, F.S.; amending s. 72.011, F.S.; granting a plaintiff additional time to comply with jurisdictional requirements in certain instances; providing a rebuttable presumption relating to de minimus errors; providing legislative intent; amending s. 193.075, F.S.; exempting certain mobile homes from ad valorem taxation; amending ss. 193.085, 194.171, F.S.; revising provisions relating to assessment of railroad property; authorizing the sharing of information; providing for venue in actions relating to such property; providing for suspension of collection of taxes in certain circumstances; amending s. 196.031, F.S.; prescribing requirements to be eligible for a homestead exemption; amending s. 196.101, F.S.; removing an award letter from the Social Security Administration to certify total and permanent disability for receiving an ad valorem tax exemption; permitting osteopathic physicians, in addition to physicians, to certify total and permanent disability; requiring the address of the physician on the physician's certificate certifying disability; amending ss. 196.101, 196.131, F.S.; requiring willfulness, in addition to knowledge, to be guilty of a misdemeanor and revising the

penalty for giving false information to claim disability; amending s. 200.065, F.S.; deleting a requirement that the resolution or ordinance adopted by a taxing authority stating its millage rate be sent to the Department of Revenue; amending ss. 193.1142 and 196.011, F.S.; requiring the inclusion of the social security numbers of an applicant for specified ad valorem tax exemptions, and of the applicant's spouse, if any, in exemption applications and assessment rolls; providing procedures for refiling of applications that omit the social security numbers; providing for implementation; providing a contingent effective date; providing that only property owned by persons not entitled to an exemption is subject to a tax lien; amending s. 196.041, F.S.; allowing lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a parcel in a residential subdivision to be deemed to have legal or beneficial and equitable title to property, thus qualifying them for a homestead exemption; amending s. 196.161, F.S.; requiring the property appraiser to serve a notice of intent to record a notice of tax lien against property that improperly received homestead exemption and allow the owner 30 days to pay taxes, penalties, and interest; clarifying that only property owned by the person improperly receiving the homestead exemption is subject to tax lien; amending ss. 119.232, 211.125, 220.727, F.S.; revising the period within which a claim for refund of an overpayment of tax may be filed with the Department of Revenue; amending s. 212.67, F.S.; revising the period during which records of the purchase of motor fuel and special fuel must be retained for purposes of claiming a tax refund; amending s. 215.26, F.S.; specifying the period within which an application for certain tax refunds must be filed with the Comptroller; providing an exemption from the documentary stamp tax imposed by s. 201.02, F.S., for real property transfers by certain corporations; providing for the repeal of the exemption; creating s. 196.1994, F.S.; providing an exemption from ad valorem taxes for certain space laboratories; amending s. 197.332, F.S.; providing that tax collectors shall be allowed to collect attorney's fees and court costs in performing their duties; amending s. 197.402, F.S.; revising the number of advertisements required for real property with delinquent taxes; amending s. 197.413, F.S.; providing that the tax collector is not required to issue a warrant for delinquent personal property taxes of less than \$50; providing an additional fee for each warrant issued; amending ss. 197.462 and 197.472, F.S.; increasing the fees collected by tax collectors for administering the transfer or redemption of tax certificates; amending s. 196.012, F.S.; revising the definition of "governmental, municipal, or public purpose or function" to provide that use of property by a lessee, licensee, or management company as a convention center, concert hall, arena, stadium, park, or beach which is open to the public is deemed to serve such purpose or function; providing that property deeded to a municipality by the United States which is required to be maintained for historical preservation, park, or recreational purposes is deemed to serve a municipal or public purpose; providing for severability; amending s. 220.13, F.S., which provides requirements for determination of adjusted federal income for corporate income tax purposes; providing for subtraction from taxable income of amounts included in taxable income under s. 951 of the Internal Revenue Code; amending s. 192.001, F.S.; redefining the term "assessed value of property," for pur-

poses of ad valorem taxation, to include a reference to s. 4(c), Art. VII of the State Constitution; redefining the term "homestead" to delete reference to s. 4(a)(1), Art. X of the State Constitution; creating s. 193.155, F.S.; providing for implementing s. 4(c), Art. VII of the State Constitution, which prescribes limits in increases in valuation of homestead property; amending s. 193.461, F.S.; providing for separation of property containing a residence from property receiving agricultural classification which is under the same ownership; amending s. 195.073, F.S., to require that tax rolls be subdivided into homestead and nonhomestead property; amending s. 195.0985, F.S., to change the type of sales studies to be conducted by the department with county tax rolls; amending s. 196.012, F.S.; redefining the term "real estate used and owned as a homestead," for purposes of tax exemptions, to delete reference to s. 4(a)(1), Art. X of the State Constitution; amending s. 200.069, F.S.; including additional assessment information pertaining to homesteads; amending s. 199.135, F.S.; providing that the taxpayer is solely liable for payment of the nonrecurring tax; providing authority to pass on the amount of the tax; providing intent; amending s. 212.0306, F.S.; relating to the county local option food and beverage tax; clarifying the applicability of the optional 1-percent tax; providing for projecting the annual gross revenues of certain new businesses, to determine their eligibility for exemption from the tax; providing additional purposes, including bonds, for which the tax proceeds and the interest accrued thereon may be used; requiring an advisory body to the county commissioners; repealing s. 212.0306(7), F.S., which provides for October 1, 2008, repeal of such section; amending s. 193.1142, F.S.; defining "material mistakes of fact" for purposes of s. 193.1142 (2), F.S.; amending s. 320.131, F.S., increasing a fee charged for temporary tags; providing for distribution of new proceeds to the Impaired Drivers and Speeders Trust Fund; providing effective dates.

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

Section 1. Effective July 1, 1994, 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 the 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, in substantially the following form:

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he 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, 19.....

...(Clerk)...

By ...(Deputy Clerk)...

If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

Section 2. Effective July 1, 1994, subsection (4) is added to section 69.041, Florida Statutes, 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 against the subject property and with the same priority, regardless of whether a default against the department has been entered for failure to file an answer or other responsive pleading.

(b) This section applies only to mortgage foreclosure actions initiated on or after July 1, 1994, and to those mortgage foreclosure actions initiated before July 1, 1994, in which no default has been entered against the Department of Revenue before July 1, 1994.

Section 3. Effective July 1, 1994, paragraph (a) of subsection (10) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(10) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under ~~the provisions of this section and s. 125.0108~~ may be ~~exempted~~ ~~exempt~~ from the requirements of this section ~~and s. 125.0108~~ that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such ~~taxes tax~~ be administered according to ~~the provisions of~~ part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.

Section 4. Effective July 1, 1994, subsection (6) is added to section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(6) Every liquor distributor that is domiciled in this state, that is authorized to do business under the Beverage Law, and that has paid the license taxes required by s. 565.03(2) is exempt from paying tax on accounts receivable owned by the taxpayer which are derived from, arise out of, or are issued in connection with

a sale of alcoholic beverages transacted in another state with a customer in another state.

Section 5. Effective July 1, 1994, section 199.232, Florida Statutes, is amended to read:

199.232 Powers of department.—

(1)(a) The department may audit the books and records of any person to determine whether an annual tax or a nonrecurring tax has been properly paid.

(b) An audit ~~is shall be~~ commenced by service in person or by certified mail of a written notice to the taxpayer of intent to audit ~~upon the taxpayer, either in person or by certified mail.~~

(2) The department may inspect all records of the taxpayer which may be relevant to the audit, and the department may compel the testimony of the taxpayer under oath or affirmation. The department may also issue subpoenas to compel the testimony of third parties under oath or affirmation and the production of records and other evidence held by third parties, including corporations and brokers. Any duly authorized representative of the department may administer an oath or affirmation. If the taxpayer fails to give testimony or to produce any requested records, or if a third party fails to comply with a subpoena, any circuit court having jurisdiction over the taxpayer or third party may, upon application of the department, issue such orders as are necessary to secure compliance.

(3) With or without an audit, the department may assess any tax deficiency resulting from nonpayment or underpayment of the tax, as well as any applicable interest and penalties. The department shall assess on the basis of the best information available to it, including estimates based on the best information available to it if the taxpayer fails to permit inspection of the taxpayer's records, fails to file an annual return, files a grossly incorrect return, or files a false and fraudulent return.

(4) Following an assessment, the department shall collect the assessed amount from the taxpayer. The assessment ~~is shall be~~ considered prima facie correct, and the taxpayer ~~has shall have~~ the burden of showing any error in the assessment it.

(5) The department shall credit or refund any overpayment of tax ~~that which~~ is revealed on an audit or for which a claim for refund is filed. A claim for refund may be filed within 3 years ~~after from~~ the due date of the tax or the payment of the tax, whichever date is later. It ~~must shall~~ be filed by the taxpayer, or the taxpayer's heirs, personal representatives, successors, or assigns, and ~~must shall~~ include such information as the department ~~requires may require~~.

(6) In its discretion, the department may, for reasonable cause, grant extensions of time not to exceed 3 months for paying any tax due, or for filing any return or report required, under this chapter.

(7)(a) If it appears, upon examination of an intangible tax return made under this chapter or upon proof submitted to the department by the taxpayer, that an amount of intangible personal property tax has been paid in excess of the amount due, the department shall refund the amount of the overpayment to the taxpayer by a warrant of the Comptroller, drawn upon the Treasurer. The department shall refund the overpayment without regard to whether the taxpayer has filed a written

claim for a refund; however, the department may request that the taxpayer file a statement affirming that the taxpayer made the overpayment.

(b) Notwithstanding paragraph (a), a refund of the intangible personal property tax may not be made nor is a taxpayer entitled to bring an action for a refund of the intangible personal property tax more than 3 years after the due date of the tax or the payment of the tax, whichever date is later.

(c) If a refund issued by the department under this section is found to exceed the amount of refund legally due to the taxpayer, the provisions of s. 199.282 concerning penalties and interest do not apply if the taxpayer reimburses the department for any overpayment within 60 days after the taxpayer is notified that the overpayment was made.

Section 6. Effective July 1, 1994, section 206.028, Florida Statutes, is amended to read:

206.028 Costs of investigation; department to charge applicants; contracts with private companies authorized.—

(1) The department ~~may be authorized to~~ charge any anticipated costs incurred by the department in determining the eligibility of any person or entity specified in s. 206.026(1)(a) to hold a license against such person or entity.

(2) The department may, by rule, determine the manner of payment of its anticipated costs and the procedure for filing applications for eligibility in conjunction with payment of ~~those said~~ costs.

(3) The department ~~must shall~~ furnish to the applicant an itemized statement of actual costs incurred during the investigation to determine eligibility.

(4) ~~If in the event~~ there are unused funds at the conclusion of ~~the such~~ investigation, ~~the unused such~~ funds ~~must shall~~ be returned to the applicant within 60 days after the determination of eligibility has been made.

(5) ~~If the in the event~~ actual costs of investigation exceed anticipated costs, the department ~~must shall~~ assess the applicant those moneys necessary to recover all actual costs.

(6) The department may enter into contracts with private companies to conduct investigations to determine the eligibility of any person or entity specified in s. 206.026(1)(a) to hold a license. The costs of the investigations must be charged to the applicant as provided in this section.

Section 7. Effective January 1, 1995, subsection (1) of section 212.03, Florida Statutes, is amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement, exemptions.—

(1) It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, ~~or~~ letting, or granting a license to use any living quarters or sleeping or housekeeping accommodations in, from, or a part of, or in connection with any hotel, apartment house, roominghouse, or tourist or trailer camp. However, any person who rents, leases, lets, or grants a license to others to use, occupy, or enter upon any living quarters or sleeping or housekeeping accommodations in apartment houses, roominghouses, tourist camps, or trailer camps, and who exclusively enters into a bona fide written

agreement for continuous residence for longer than 6 months in duration at such property is not exercising a taxable privilege. For the exercise of such taxable privilege, a tax is hereby levied in an amount equal to 6 percent of and on the total rental charged for such living quarters or sleeping or housekeeping accommodations by the person charging or collecting the rental. Such tax shall apply to hotels, apartment houses, roominghouses, or tourist or trailer camps whether or not there is in connection with any of the same any dining rooms, cafes, or other places where meals or lunches are sold or served to guests.

Section 8. Effective July 1, 1994, paragraph (k) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(k) 1. At the rate of 6 percent on charges for all:

a.1. Detective, burglar protection, and other protection services (SIC Industry Numbers 7381 and 7382). Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his local law enforcement agency in his capacity as a law enforcement officer, and who is subject to the direct and immediate command of his law enforcement agency, and in his uniform as authorized by his law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as “extra duty,” “off-duty,” or “secondary employment,” and irrespective of whether the officer is paid directly or through his agency by an outside source. The term “law enforcement officer” includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b.2. Nonresidential cleaning and nonresidential pest control services (SIC Industry Group Number 734).

2. 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. Charges for detective, burglar protection and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this part and the sale or use of a service or any other item not taxable under this part, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The Department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser's name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

Section 9. Effective January 1, 1995, paragraph (j) of subsection (2) 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.—

(2)

(j) The term "dealer" is further defined to mean any person who leases, or grants a license to use, occupy, or enter upon, living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, real property, space or spaces in parking lots or garages for motor vehicles, docking or storage space or spaces for boats in boat docks or marinas, or tie-down or storage space or spaces for aircraft at airports. The term "dealer" also means any person who has leased, occupied, or used or was entitled to use any living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, real property, space or spaces in parking lots or garages for motor vehicles or docking or storage space or spaces for boats in boat docks or marinas, or who has purchased communication services or electric power or energy, and who cannot prove that the tax levied by this chapter has been paid to the vendor or lessor on any such transactions. The term "dealer" does not include any person who leases, lets, rents, or grants a license to use, occupy, or enter upon any living quarters, sleeping quarters, or housekeeping accommodations in apartment houses, roominghouses, tourist camps, or trailer camps, and who exclusively enters into a bona fide written agreement for continuous residence for longer than 6 months in duration with any person who leases, lets, rents, or is granted a license to use such property.

Section 10. Effective July 1, 1994, paragraph (ee) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(ee) 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.

Section 11. Effective July 1, 1994, paragraph (c) of subsection (1) of section 212.11, Florida Statutes, is amended, present paragraph (d) of that subsection is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

212.11 Tax returns and regulations.—

(1)

(c) However, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding four quarters ~~quarter~~ did not exceed \$1,000 ~~\$100~~ and may authorize a semiannual return and payment when the tax remitted by the dealer for the preceding four quarters ~~6 months~~ did not exceed \$500 ~~\$200~~.

(d) The Department of Revenue may authorize dealers who are newly eligible for quarterly filing under this subsection to file returns for the 3-month periods ending in February, May, August, and November, and may authorize dealers who are newly eligible for semiannual filing under this subsection to file returns for the 6-month periods ending in May and November.

Section 12. Effective January 1, 1995, paragraph (a) of subsection (3) of section 212.18, Florida Statutes, as amended by this act, is amended to read:

212.18 Administration of law; registration of dealers; rules.—

(3)(a) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent, or let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps which are subject to tax under s. 212.03, or to lease, rent, or let or grant licenses in real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, shall file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership, or corporation may engage in such business, and it shall be accompanied by a registration fee of \$30. However, no registration fee is required to accompany an application to engage in or conduct business to make mail order sales. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with any of the provi-

sions of this chapter. The certificate shall not be assignable and shall be valid only for the person, firm, copartnership, or corporation to which issued, and such certificate shall be placed in a conspicuous place in the business or businesses for which it is issued and shall be so displayed at all times. Except as provided in this paragraph, no person shall engage in business as a dealer or in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property as hereinbefore defined, nor shall any person sell or receive anything of value by way of admissions, without first having obtained such a certificate or after such certificate has been canceled; no person shall receive any license from any authority within the state to engage in any such business without first having obtained such a certificate or after such certificate has been canceled. The engaging in the business of selling or leasing tangible personal property or services or as a dealer, as defined in this chapter, or the engaging in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps which are taxable under this part, or real property as hereinbefore defined, or the engaging in the business of selling or receiving anything of value by way of admissions, without such certificate first being obtained or after such certificate has been canceled by the department is prohibited. The failure or refusal of any person, firm, copartnership, or corporation to so qualify when required hereunder is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, or subject to injunctive proceedings as provided by law. Such failure or refusal also subjects the offender to a \$100 initial registration fee in lieu of the \$30 registration fee authorized in this paragraph.

Section 13. Effective July 1, 1994, paragraphs (a), (c), and (d) of subsection (1) of section 212.67, Florida Statutes, are amended to read:

212.67 Refunds.—

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(a) Refunds on fuel used for local transit operations.—Any person who uses motor fuel or special fuel on which the taxes imposed by this part have been paid for any system of mass public transportation authorized to operate within any city, town, municipality, county, or transit authority region in this state, as distinguished from any over-the-road or charter system of public transportation, is entitled to a refund of such taxes. However, such transit system shall be entitled to take a credit on the monthly special fuel tax return not to exceed the tax imposed under ss. 212.62 and 336.026 on those gallons which would otherwise be eligible for refund, when such transit system is licensed as a dealer of special fuel. A public transportation system or transit system as defined above may operate outside its limits when such operation is found necessary to adequately and efficiently provide mass public transportation services for the city, town, or municipality involved. A transit system as defined above includes demand service that is an integral part of a city, town, municipality, county, or transit or transportation authority system but does not include independent taxicab or limousine operations. The terms "city," "county," and "authority" as used in this paragraph include any city, town, municipality, county, or transit or transportation authority organized in this state by virtue of any general or special law enacted by the Legislature.

(c) Return of tax to municipalities and counties.—The portion of the tax imposed by this part which results from the collection of such taxes paid by a municipality or county on motor fuel or special fuel for use in a motor vehicle operated by it shall be returned to the governing body of such municipality or county for the construction, reconstruction, and maintenance of roads and streets within the municipality or county. A municipality or county, when licensed as a dealer of special fuel, shall be entitled to take a credit on the monthly special fuel tax return not to exceed the tax imposed under ss. 206.60 and 212.62 on those gallons which would otherwise be eligible for refund.

(d) Return of tax to school districts and nonpublic schools.—

1. The portion of the tax imposed by this part which results from the collection of such tax paid by a school district or a private contractor operating school buses for a school district or by a nonpublic school on motor fuel or special fuel for use in a motor vehicle operated by such district, private contractor, or nonpublic school shall be returned to the governing body of such school district or to such nonpublic school. A school district, when licensed as a dealer of special fuel, shall be entitled to take a credit on the monthly return not to exceed the tax imposed under ss. 206.60 and 212.62 on those gallons which would otherwise be eligible for refund.

2. Funds returned to school districts shall be used to fund construction, reconstruction, and maintenance of roads and streets within the school district required as a result of the construction of new schools or the renovation of existing schools. The school board shall select the projects to be funded; however, the first priority shall be given to projects required as the result of the construction of new schools, unless a waiver is granted by the affected county or municipal government. Funds returned to nonpublic schools shall be used for transportation-related purposes.

Section 14. Effective July 1, 1994, paragraph (m) is added to subsection (7) of section 213.053, Florida Statutes, as amended by sections 3 and 7 of chapter 93-414, Laws of Florida, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(m) Information relative to part I of chapter 212 to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of the Bill of Lading Program. This information is limited to the business name and whether the business is in compliance with part I of chapter 212.

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. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 15. Effective July 1, 1994, subsection (3) of section 213.21, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

213.21 Informal conferences; compromises.—

(3)(a) A taxpayer's liability for any tax or interest specified in s. 72.011(1) may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. In addition, a taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) in excess of 25 percent of the tax shall be settled or compromised if the department determines that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. The records of compromise under this paragraph shall not be subject to disclosure pursuant to s. 119.07(1) and shall be considered confidential information governed by the provisions of s. 213.053. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(b) A taxpayer's liability for the service fee required by s. 215.34(2) may be settled or compromised if it is determined that the dishonored check, draft, or order was returned due to an error committed by the issuing financial institution, and the error is substantiated by the department. The department shall maintain records of all compromises, and the records shall state the basis for the compromise.

(6) The Department of Revenue may modify the reporting or filing periods required for any tax enumerated in s. 213.05, for purposes of facilitating the calculation of penalty and interest due on tax payments made as a result of a taxpayer's voluntary self-disclosure or the department's selection of a taxpayer for self-analysis. Interest or penalty calculations may not be based on a filing period longer than 1 year. Modified reporting periods apply only to taxpayers not previously registered for the specific tax disclosed and to registered taxpayers with annual gross receipts of less than \$500,000. Annual filing periods must be based on a calendar year or the fiscal year used for federal income tax reporting by the taxpayer.

Section 16. Effective July 1, 1994, subsection (1) of section 538.09, Florida Statutes, is amended to read:

538.09 Registration.—

(1) A secondhand dealer shall not engage in the business of purchasing, consigning, or pawning secondhand goods from any location without registering with the Department of Revenue. A fee equal to the federal and state costs for processing required fingerprints must be submitted to the department with each application for registration. A fee of \$24 shall be submitted to the department with each application for registration, which fee includes the federal and state costs for processing required fingerprints. One application is required for each dealer. If a secondhand dealer is the owner of more than one secondhand store location, the application must list each location, and the department shall issue a duplicate registration for each location. For purposes of subsections (4) and (5) of this section, these duplicate registrations shall be deemed individual registrations. A dealer shall pay a fee of \$6 per location at the time of registration and an annual renewal fee of \$6 per location on October 1 of each year. All fees collected, less costs of administration, shall be transferred into a trust fund to be established and entitled the Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund. The Department of Revenue shall forward the full set of fingerprints to the Department

of Law Enforcement for state and federal processing, provided the federal service is available, to be processed for any criminal justice information as defined in s. 943.045. The cost of processing such fingerprints shall be payable to the Department of Law Enforcement by the Department of Revenue. The department may issue a temporary registration to each location pending completion of the background check by state and federal law enforcement agencies, but shall revoke such temporary registration if the completed background check reveals a prohibited criminal background. An applicant for a secondhand dealer registration must be a natural person who has reached the age of 18 years.

(a) If the applicant is a partnership, all the partners must apply.

(b) If the applicant is a joint venture, association, or other noncorporate entity, all members of such joint venture, association, or other noncorporate entity must make application for registration as natural persons.

(c) If the applicant is a corporation, the registration must include the name and address of such corporation's registered agent for service of process in the state and a certified copy of statement from the Secretary of State that the corporation is duly organized in the state or, if the corporation is organized in a state other than Florida, a certified copy of statement from the Secretary of State that the corporation is duly qualified to do business in this state. If the dealer has more than one location, the application must list each location owned by the same legal entity and the department shall issue a duplicate registration for each location.

Section 17. Effective July 1, 1994, paragraph (a) of subsection (1) of section 538.25, Florida Statutes, is amended to read:

538.25 Registration.—

(1) No person shall engage in business as a secondary metals recycler at any location without registering with the department.

(a) ~~A fee equal to the federal and state costs for processing required fingerprints must be submitted to the department with each application for registration. A fee of \$24 shall be submitted to the department with each application for registration, which fee includes the federal and state costs for processing required fingerprints.~~ One application is required for each secondary metals recycler. If a secondary metals recycler is the owner of more than one secondary metals recycling location, the application must list each location, and the department shall issue a duplicate registration for each location. For purposes of subsections (3), (4), and (5) of this section, these duplicate registrations shall be deemed individual registrations. A secondary metals recycler shall pay a fee of \$6 per location at the time of registration and an annual renewal fee of \$6 per location on October 1 of each year. All fees collected, less costs of administration, shall be transferred into the Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund established pursuant to s. 538.09.

Section 18. Effective July 1, 1994, subsections (3) and (4) of section 624.5091, Florida Statutes, as amended by chapter 93-409, Laws of Florida, are amended to read:

624.5091 Retaliatory provision, insurers.—

(3) This section does not apply as to personal income taxes, nor as to sales or use taxes, nor as to ad valorem taxes on real or personal property, nor as to reim-

bursement premiums paid to the Florida Hurricane Catastrophe Fund, nor as to emergency assessments paid to the Florida Hurricane Catastrophe Fund, nor as to special purpose obligations or assessments imposed by another state in connection with particular kinds of insurance other than property insurance, except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration by the department in determining the propriety and extent of retaliatory action under this section.

(4) For the purposes of this section, a "similar insurer" is an insurer with identical premiums, personnel, and property to that of the alien or foreign insurer's Florida premiums, personnel, and property. The similar insurer's premiums, personnel, and property shall be used to calculate any taxes, licenses, other fees, in the aggregate, or any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions that are or would be imposed under Florida law and under the law of the foreign or alien insurer's state of domicile. the domicile of an alien insurer shall be as defined in s. 624.07(2).

Section 19. It is the intent of the Legislature that the amendment to section 624.5091, Florida Statutes, provided in this act, is remedial legislation intended to clarify the application of the tax.

Section 20. Effective July 1, 1994, section 561.025, Florida Statutes, is amended to read:

561.025 Alcoholic Beverage and Tobacco Trust Fund.—There is created within the State Treasury the Alcoholic Beverage and Tobacco Trust Fund. All funds collected by the division under ss. 210.15, 210.40, or under s. 569.003 and the Beverage Law with the exception of state funds collected pursuant to ss. 561.501, 563.05, 564.06 and 565.12 shall be deposited in the State Treasury to the credit of the trust fund, notwithstanding any other provision of law to the contrary, ~~and shall be distributed as follows:~~

(1) Moneys deposited to the credit of the trust fund shall be used to operate the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; except that:

(1)(2) The revenue transfer provisions of ss. 561.32 and 561.342(1) and (2) shall continue in full force and effect, and the division shall cause such revenue to be returned to the municipality or county in the manner provided for in s. 561.32 or s. 561.342(1) and (2); and:

(2)(3) Ten percent of the revenues derived from retail tobacco products dealer permit fees collected under s. 569.003 shall be transferred to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children, pursuant to s. 233.067(4).

(4) ~~Nine and eight-tenths percent of the surcharge on the sale of alcoholic beverages for consumption on premises as provided in s. 561.501 shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.~~

(5) ~~The balance of receipts into the trust fund shall be transferred to the General Revenue Fund. The Department of Business Regulation shall cause such transfers to occur on or about the 5th, 20th, and last day of each month. In determining the amount to be transferred to the General Revenue Fund, the department is allowed to withhold only those funds necessary for the effective and efficient administration and enforcement of this chapter and chapters 210, 562, 563, 564, 565, 567, 568, and 569 and that are within the department's approved budget as defined in chapter 216.~~

Section 21. Effective July 1, 1994, section 561.121, Florida Statutes, is created to read:

561.121 Deposit of Revenue.—

(1) All state funds collected pursuant to ss. 563.05, 564.06, and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a) Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

(b) The remainder of collection shall be credited to the General Revenue Fund.

(2) The unencumbered balance in the Alcoholic Beverage and Tobacco Trust Fund at the close of each fiscal year may not exceed \$2,000,000. These funds shall be held in reserve for use in the event that trust fund revenues are unable to meet the division's appropriation for the next fiscal year. In the event of a revenue short-fall, these funds shall be spent pursuant to subsection (3). Notwithstanding subsection (1), if the unencumbered balance on June 30 in any fiscal year is less than \$2,000,000, the department is authorized to retain the difference between the June 30 unencumbered balance in the trust fund and \$2,000,000 from July's collections of state funds collected pursuant to ss. 563.05, 564.06, and 565.12. Any unencumbered funds in excess of reserve funds shall be transferred unallocated to the General Revenue Fund by August 31 of the next fiscal year.

(3) Funds deposited into the Alcoholic Beverage and Tobacco Trust Fund pursuant to subsection (1) shall be used for administration and enforcement of chapters 210, 561, 562, 563, 564, 565, 567, 568, and 569.

(4) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

(a) Nine and eight-tenths of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

(b) The remainder of collections shall be credited to the General Revenue Fund.

Section 22. Effective upon becoming a law and applicable retroactive to January 1, 1992, subsection (11) is added to section 196.011, Florida Statutes, to read:

196.011 Annual application required for exemption.—

(11) Notwithstanding subsection (1), when the owner of property otherwise entitled to a religious exemption from ad valorem taxation fails to timely file an application for exemption, and because of a misidentification of property ownership on the property tax roll the owner is not properly notified of the tax obligation by the property appraiser and the tax collector, the owner of the property may file an application for exemption with the property appraiser. The property appraiser must consider the application, and if he determines the owner of the property would have been entitled to the exemption had the property owner timely applied, the property appraiser must grant the exemption. Any taxes assessed on such property shall be cancelled, and if paid, refunded. Any tax certificates outstanding on such property shall be cancelled and refund made pursuant to s. 197.432(10).

Section 23. Effective October 1, 1994, paragraph (a) of subsection (1) and subsection (2) of section 72.011, Florida Statutes, are amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1)(a) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 203, chapter 206, chapter 207, chapter 210, chapter 211, chapter 212, chapter 213, chapter 220, chapter 221, s. 336.021, s. 336.025, s. 336.026, s. 370.07(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195, s. 403.7197, s. 538.09, s. 538.25, chapter 550, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, s. 120.57, or s. 120.575, no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

(b) A taxpayer may not file an action under paragraph (a) to contest an assessment or a denial of refund of any tax, fee, surcharge, permit, interest, or penalty relating to the statutes listed in paragraph (a) until the taxpayer complies with the applicable registration requirements contained in those statutes which apply to the tax for which the action is filed.

(2) No action may be brought to contest an assessment of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1) after 60 days from the date the assessment becomes final. No action may be brought to contest a denial of refund of any tax, interest, or penalty paid under a section or chapter specified in subsection (1) after 60 days from the date the denial becomes final. The Department of Revenue or, with respect to assessments or refund denials under chapter 207, the Department of Highway Safety and Motor Vehicles or, with respect to assessments or refund denials under chapters 210, 550, 561, 562, 563, 564, and 565, the Department of Business and Professional Regulation, shall establish by rule when an assessment or refund denial becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment or refund denial. It is not necessary for the applicable department to file or docket any assessment or refund denial with the agency clerk in order for such assessment or refund denial to become final for purposes of an action initiated pursuant to this chapter or chapter 120.

Section 24. Effective October 1, 1994, subsection (1) of section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant, except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be the defendant, and except that for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be the defendant. It shall not be necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor shall it be necessary for the executive director of the department to be named as an individual party.

Section 25. Effective October 1, 1994, for the purpose of incorporating the amendment to section 72.011, Florida Statutes, section 95.091, Florida Statutes, is reenacted, and subsection (3) of said section is amended, to read:

95.091 Limitation on actions to collect taxes.—

(1)(a) Except in the case of taxes for which certificates have been sold or of taxes enumerated in s. 72.011, any tax lien granted by law to the state or any of its political subdivisions, any municipality, any public corporation or body politic, or any other entity having authority to levy and collect taxes shall expire 5 years after the date the tax is assessed or becomes delinquent, whichever is later. No action may be begun to collect any tax after the expiration of the lien securing the payment of the tax.

(b) Any tax lien granted by law to the state or any of its political subdivisions for any tax enumerated in s. 72.011 shall expire 20 years after the last date the tax may be assessed, after the tax becomes delinquent, or after the filing of a tax warrant, whichever is later. An action to collect any tax enumerated in s. 72.011 may not be commenced after the expiration of the lien securing the payment of the tax.

(2) If no lien to secure the payment of a tax is provided by law, no action may be begun to collect the tax after 5 years from the date the tax is assessed or becomes delinquent, whichever is later.

(3)(a)1. With the exception of taxes levied under chapter 198 and tax adjustments made pursuant to s. 220.23, the Department of Revenue may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer and the Department of Business and Professional Regulation may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer:

a. Within 5 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

b. Within 6 years after the date the taxpayer either makes a substantial underpayment of tax, or files a substantially incorrect return;

c. At any time while the right to a refund or credit of the tax is available to the taxpayer;

d. At any time after the taxpayer has failed to make any required payment of the tax, has failed to file a required return, or has filed a grossly false or fraudulent return; or

e. In any case in which there has been a refund of tax erroneously made for any reason, within 5 years after making such refund, or at any time after making such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

2. For the purpose of this paragraph, a tax return filed before the last day prescribed by law, including any extension thereof, shall be deemed to have been filed on such last day, and payments made prior to the last day prescribed by law shall be deemed to have been paid on such last day.

(b) The limitations in this subsection shall be tolled for a period of 2 years if the Department of Revenue has issued a notice of intent to conduct an audit or investigation of the taxpayer's account within the applicable period of time as specified in this subsection. The department shall commence an audit within 120 days after it issues a notice of intent to conduct an audit, unless the taxpayer requests a delay. If the taxpayer does not request a delay and the department does not begin the audit within 120 days after issuing the notice, the tolling period shall terminate.

(4) If administrative or judicial proceedings for review of the tax assessment or collection are begun within a period of limitation prescribed in this section, the running of the period shall be tolled during the pendency of the proceeding. Administrative proceedings shall include taxpayer protest proceedings initiated under s. 213.21 and department rules.

Section 26. Effective October 1, 1994, for the purpose of incorporating the amendment to section 72.011, Florida Statutes, subsection (6) of section 215.26, Florida Statutes, is reenacted to read:

215.26 Repayment of funds paid into State Treasury through error.—

(6) A taxpayer may contest a denial of refund of tax, interest, or penalty paid under a section or chapter specified in s. 72.011(1) pursuant to the provisions of s. 72.011.

Section 27. Effective October 1, 1994, for the purpose of incorporating the amendment to section 72.011, Florida Statutes, subsection (2) of section 26.012, Florida Statutes, is reenacted to read:

26.012 Jurisdiction of circuit court.—

(2) They shall have exclusive original jurisdiction:

(a) In all actions at law not cognizable by the county courts;

(b) Of proceedings relating to the settlement of the estates of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate;

(c) In all cases in equity including all cases relating to juveniles except traffic offenses as provided in chapters 39 and 316;

(d) Of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged;

(e) In all cases involving legality of any tax assessment or toll or denial of refund, except as provided in s. 72.011;

(f) In actions of ejectment; and

(g) In all actions involving the title and boundaries of real property.

Section 28. Effective October 1, 1994, subsection (1) and paragraph (b) of subsection (3) of section 120.575, Florida Statutes, are amended to read:

120.575 Taxpayer contest proceedings.—

(1) In any administrative proceeding brought pursuant to chapter 120 as authorized in s. 72.011(1), the taxpayer or other substantially affected party shall be designated the "petitioner" and the Department of Revenue shall be designated the "respondent," except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be designated the "respondent" and for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be designated the "respondent."

(3)

(b) The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action under this chapter to contest an assessment or denial of refund by the Department of Revenue, or by the Department of Highway Safety and Motor Vehicles, or the Department of Business and Professional Regulation.

Section 29. (1) Effective July 1, 1994, subsection (3) of section 72.011, Florida Statutes, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(3) In any action filed in circuit court contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), the plaintiff must:

(a) Pay to the applicable department the amount of the tax, penalty, and accrued interest assessed by such department which is not being contested by the taxpayer; and either

(b)1. Tender into the registry of the court with the complaint the amount of the contested assessment complained of, including penalties and accrued interest, unless this requirement is waived in writing by the executive director of the applicable department; or

2. File with the complaint a cash bond or a surety bond for the amount of the contested assessment endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the court, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest, unless this requirement is waived in writing by the executive director of the applicable department.

Failure to pay the uncontested amount as required in paragraph (a) shall result in the dismissal of the action and imposition of an additional penalty in the amount of 25 percent of the tax assessed. Provided, however, that if, at any point in the action, it is determined or discovered that a plaintiff, due to a good faith de minimus error, failed to comply with any of the requirements of paragraph (a) or paragraph (b), the plaintiff shall be given a reasonable time within which to comply before the action is dismissed. For purposes of this subsection, there shall be a rebuttable presumption that if the error involves an amount equal to or less than 5 percent of the total assessment the error is de minimus and that if the error is more than 5 percent of the total assessment the error is not de minimus.

(2) It is the intent of the Legislature that the amendment to subsection (3) of section 72.011, Florida Statutes, as set forth in this section, be applied in all pending and future actions.

Section 30. Subsection (1) of section 193.075, Florida Statutes, is amended to read:

193.075 Mobile homes.—

(1) A mobile home shall be taxed as real property if the owner of the mobile home is also the owner of the land on which the mobile home is permanently affixed. A mobile home shall be considered permanently affixed if it is tied down and connected to the normal and usual utilities. However, this provision does not apply to a mobile home that is permanently affixed shall not be taxed as real property if it is being held for display by a licensed mobile home dealer or a licensed mobile home manufacturer and that is not rented or occupied, or located on property used for mobile home occupancy. A mobile home that is taxed as real property shall be issued an "RP" series sticker as provided in s. 320.0815.

Section 31. Paragraph (c) of subsection (4) of section 193.085, Florida Statutes, is amended, and paragraphs (d) and (e) are added to that subsection, to read:

193.085 Listing all property.—

(4) The department shall promulgate such rules as are necessary to ensure that all railroad property of all types is properly listed in the appropriate county and shall submit the county railroad property assessments to the respective county property appraisers not later than June 1 in each year. However, in those counties in which railroad assessments are not completed by the department by June 1, for millage certification purposes, the property appraiser may utilize the prior year's values for such property.

(c) The values determined by the department pursuant to this subsection ~~subsections (4) and (5)~~ shall be certified to the property appraisers when such values have been finalized by the department. Prior to finalizing the values to be certified to the property appraisers, the department shall provide an affected taxpayer a notice of a proposed assessment and an opportunity for informal conference before the executive director's designee. A property appraiser shall certify to the tax collector for collection the value as certified by the Department of Revenue.

(d) Returns and information from returns required to be made pursuant to this subsection may be shared pursuant to any formal agreement for the mutual exchange of information with another state.

(e) In any action challenging final assessed values certified by the department under this subsection, venue is in Leon County.

Section 32. Subsections (1) and (3) of section 194.171, Florida Statutes, are amended to read:

194.171 Circuit court to have original jurisdiction in tax cases.—

(1) The circuit courts have original jurisdiction at law of all matters relating to property taxation. Venue is in the county where the property is located, except that venue shall be in Leon County when the property is assessed pursuant to s. 193.085(4).

(3) Before an action to contest a tax assessment may be brought, the taxpayer shall pay to the collector not less than the amount of the tax which he admits in good faith to be owing. The collector shall issue a receipt for the payment, and the receipt shall be filed with the complaint. Notwithstanding the provisions of chapter 197, payment of the taxes the taxpayer admits to be due and owing and the timely filing of an action pursuant to this section shall suspend all procedures for the collection of taxes prior to final disposition of the action.

Section 33. Effective upon this act becoming a law and applicable retroactively to January 1, 1994, subsection (1) of section 196.031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.—

(1) Every person who, on January 1, has the legal title or beneficial title in equity to real property in this state, ~~as recorded in the official records of the county in which the property is located,~~ and who resides thereon and in good faith makes the same his permanent residence, or the permanent residence of another or others legally or naturally dependent upon such person, is entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of \$5,000 on the residence and contiguous real property, as defined in s. 6, Art. VII of the State Constitution. Such title may be held by the entireties, jointly, or in common with others, and the exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear. If only one of the owners of an estate held by the entireties or held jointly with the right of survivorship resides on the property, that owner is allowed an exemption of up to the assessed valuation of \$5,000 on the residence and contiguous real property. However, no such exemption of more than \$5,000 is allowed to any one person or on any one dwelling house, except that an exemption up to the assessed valuation of \$5,000 may be allowed on each apartment or mobile home occupied by a tenant-stockholder or member of a cooperative corporation and on each condominium parcel occupied by its owner. Except for owners of an estate held by the entireties or held jointly with the right of survivorship, the amount of the exemption may not exceed the proportionate assessed valuation of all owners who reside on the property.

Section 34. Effective January 1, 1995, subsection (1) of section 196.031, Florida Statutes, as amended by this act, is amended to read:

196.031 Exemption of homesteads.—

(1) Every person who, on January 1, has the legal title or beneficial title in equity to real property in this state, ~~as recorded in the official records of the county~~

in which the property is located, and who resides thereon and in good faith makes the same his permanent residence, or the permanent residence of another or others legally or naturally dependent upon such person, is entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of \$5,000 on the residence and contiguous real property, as defined in s. 6, Art. VII of the State Constitution. Such title may be held by the entireties, jointly, or in common with others, and the exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear. If only one of the owners of an estate held by the entireties or held jointly with the right of survivorship resides on the property, that owner is allowed an exemption of up to the assessed valuation of \$5,000 on the residence and contiguous real property. However, no such exemption of more than \$5,000 is allowed to any one person or on any one dwelling house, except that an exemption up to the assessed valuation of \$5,000 may be allowed on each apartment or mobile home occupied by a tenant-stockholder or member of a cooperative corporation and on each condominium parcel occupied by its owner. Except for owners of an estate held by the entireties or held jointly with the right of survivorship, the amount of the exemption may not exceed the proportionate assessed valuation of all owners who reside on the property. Before such exemption may be granted, the deed or instrument shall be recorded in the official records of the county in which the property is located. The property appraiser may request the applicant to provide additional ownership documents to establish title.

Section 35. Subsection (1) of section 196.041, Florida Statutes, is amended to read:

196.041 Extent of homestead exemptions.—

(1) Vendees in possession of real estate under bona fide contracts to purchase when such instruments, under which they claim title, are recorded in the office of the clerk of the circuit court where said properties lie, and who reside thereon in good faith and make the same their permanent residence; persons residing on real estate by virtue of dower or other estates therein limited in time by deed, will, jointure, or settlement; and lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a residential parcel or in a condominium parcel as defined in chapter 718, or persons holding leases of 50 years or more, existing prior to June 19, 1973, for the purpose of homestead exemptions from ad valorem taxes and no other purpose, shall be deemed to have legal or beneficial and equitable title to said property. In addition, a tenant-stockholder or member of a cooperative apartment corporation who is entitled solely by reason of his ownership of stock or membership in the corporation to occupy for dwelling purposes an apartment in a building owned by the corporation, for the purpose of homestead exemption from ad valorem taxes and for no other purpose, is deemed to have beneficial title in equity to said apartment and a proportionate share of the land on which the building is situated.

Section 36. Subsections (3) and (5) of section 196.101, Florida Statutes, are amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(3) The production by any totally and permanently disabled person entitled to the exemption in subsection (1) or subsection (2) of a certificate of such disability from two licensed doctors of this state or from the United States Department

of Veterans Affairs or its predecessor, ~~or an award letter from the Social Security Administration~~ to the property appraiser of the county wherein the property lies, is prima facie evidence of the fact that he is entitled to such exemption.

(5) The physician's certification shall read as follows:

PHYSICIAN'S CERTIFICATION
OF
TOTAL AND PERMANENT DISABILITY

I, ... (name of physician) ..., a physician licensed pursuant to chapter 458 ~~or chapter 459~~, Florida Statutes, hereby certify Mr. Mrs. Miss Ms. (name of totally and permanently disabled person) ..., social security number ..., is totally and permanently disabled as of January 1, ...(year) ..., due to the following mental or physical condition(s):

- Quadriplegia
- Paraplegia
- Hemiplegia
- Other total and permanent disability requiring use of a wheelchair for mobility
- Legal Blindness

It is my professional belief that the above-named condition(s) render Mr. Mrs. Miss Ms. totally and permanently disabled, and that the foregoing statements are true, correct, and complete to the best of my knowledge and professional belief.

Signature

Address (print)

Date

Florida Board of Medicine license number

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Issued on

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this form or, a letter from the United States Department of Veterans Affairs or its predecessor, ~~or an award letter from the Social Security Administration~~. Each form is to be completed by a licensed Florida physician.

NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida Statutes, provides that any person who shall knowingly and willfully give false information for the purpose of claiming homestead exemption shall be guilty of a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year or a fine not exceeding \$5,000 ~~\$2,500~~, or both.

Section 37. The amendment to section 196.101(3) and (5), Florida Statutes, made by this act applies to claims for homestead exemption filed for the 1995 tax roll and thereafter.

Section 38. Subsection (2) of section 196.131, Florida Statutes, is amended to read:

196.131 Homestead exemptions; claims.—

(2) Any person who knowingly and willfully gives false information for the purpose of claiming homestead exemption as provided for in this chapter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by fine not exceeding \$5,000 ~~\$2,500~~, or both.

Section 39. The amendment to section 196.131(2), Florida Statutes, made by this act applies to claims for homestead exemption filed for the 1995 tax roll and thereafter.

Section 40. Subsection (1) of section 196.161, Florida Statutes, is amended to read:

196.161 Homestead exemptions; lien imposed on property of person claiming exemption although not a permanent resident.—

(1)(a) When the estate of any person is being probated or administered in another state under an allegation that such person was a resident of that state and the estate of such person contains real property situate in this state upon which homestead exemption has been allowed pursuant to s. 196.031 for any year or years within 10 years immediately prior to the death of the deceased, then within 3 years after the death of such person the property appraiser of the county where the real property is located shall, upon knowledge of such fact, record a notice of tax lien against the property among the public records of that county, and the property shall be subject to the payment of all taxes exempt thereunder, a penalty of 50 percent of the unpaid taxes for each year, plus 15 percent interest per year, unless the circuit court having jurisdiction over the ancillary administration in this state determines that the decedent was a permanent resident of this state during the year or years an exemption was allowed, whereupon the lien shall not be filed or, if filed, shall be canceled of record by the property appraiser of the county where the real estate is located.

(b) In addition, upon determination by the property appraiser that for any year or years within the prior 10 years a person who was not entitled to a homestead exemption was granted a homestead exemption from ad valorem taxes, it shall be the duty of the property appraiser making such determination to serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against ~~that person's property which was improperly receiving the exemption and any other property owned by that person in the county,~~ and such property shall be identified in the notice of tax lien. Such property which is situated in this state shall be subject to the taxes exempted thereby, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. Before any such lien may be filed, the owner so notified must be given 30 days to pay the taxes, penalties, and interest.

Section 41. Subsection (4) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(4) The resolution or ordinance approved in the manner provided for in this section shall be forwarded to the property appraiser ~~and~~, the tax collector, ~~and the Department of Revenue~~ within 3 days after the adoption of such resolution or ordinance. No millage other than that approved by referendum may be levied until the resolution or ordinance to levy required in subsection (2) is approved by the governing board of the taxing authority and submitted to the property appraiser ~~and~~; the tax collector, ~~and the Department of Revenue~~. The receipt of the resolution or ordinance by the property appraiser shall be considered official notice of the millage rate approved by the taxing authority, and that millage rate shall be the rate applied by the property appraiser in extending the rolls pursuant to s. 193.122, subject to the provisions of subsection (5). These submissions shall be made within 101 days of certification of value pursuant to subsection (1).

Section 42. The amendment to section 200.065(4), Florida Statutes, made by this act applies beginning with the 1994 property tax rolls.

Section 43. Subsection (1) of section 193.1142, Florida Statutes, is amended to read:

193.1142 Approval of assessment rolls.—

(1) Each assessment roll shall be submitted to the executive director of the Department of Revenue for review in the manner and form prescribed by the department on or before July 1. The department shall require the assessment roll submitted under this section to include the social security numbers required under s. 196.011. The roll submitted to the department need not ~~include~~ ~~contain~~ centrally assessed properties prior to approval under this subsection and subsection (2). Such review by the executive director shall be made to determine if the rolls meet all the appropriate requirements of law relating to form and just value. Upon approval of the rolls by the executive director or his designee, the hearings required in s. 194.032 may be held.

Section 44. The amendment to section 193.1142(1), Florida Statutes, made by this act shall take effect on the effective date of SB 670 or similar legislation amending section 193.1142(1), Florida Statutes, to provide a public records exemption for such social security numbers, and the amendment made to that section shall apply to information included in claims for exemption filed for the 1995 tax roll or thereafter.

Section 45. Subsection (1) and paragraph (a) of subsection (9) of section 196.011, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

196.011 Annual application required for exemption.—

(1)(a) Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

(b) The form to apply for an exemption under s. 196.031, s. 196.081, s. 196.091, s. 196.101, or s. 196.202 must include a space for the applicant to list the social security number of the applicant and of the applicant's spouse, if any. If an applicant files a timely and otherwise complete application, and omits the required social security numbers, the application is incomplete. In that event, the property appraiser shall contact the applicant, who may refile a complete application by April 1. Failure to file a complete application by that date constitutes a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refiling of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. It is the duty of the owner of any property granted an exemption who is not required to file an annual application or statement to notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, the owner of the property is shall be subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted. Except for homestead exemptions controlled by s. 196.161, it is shall be the duty of the property appraiser making such determination to record in the public records of the county a notice of tax lien against that person's property which was improperly receiving the exemption, except for property receiving homestead exemption which is controlled by s. 196.161, and any other property owned by that person or entity in the county, and such property must shall be identified in the notice of tax lien. Such property is or properties shall be subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. Should such person no longer own property in that county, but own property in some other county or counties in the state, it shall be the duty of the property appraiser to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

(11) For exemptions enumerated in paragraph (1)(b), granted for the 2000 tax year and thereafter, social security numbers of the applicant and the applicant's spouse, if any, are required and must be submitted to the department. Applications filed pursuant to subsection (5) or subsection (6) may be required to include social security numbers of the applicant and the applicant's spouse, if any, and shall include such information if filed for the 2000 tax year or thereafter. For coun-

ties where the annual application requirement has been waived, property appraisers may require refiling of an application to obtain such information.

Section 46. The amendment to section 196.011(1), Florida Statutes, and the addition of subsection (11) to that section, made by this act shall take effect on the effective date of SB 670 or similar legislation amending section 193.114(6), Florida Statutes, to provide a public records exemption for such social security numbers, and the amendments made to that section shall apply to claims for exemption filed for the 1995 tax roll and thereafter. The new subsection (12) of section 196.011, Florida Statutes, added by this act shall apply to the 1992 property tax year and thereafter.

Section 47. Effective October 1, 1994, subsection (5) of section 199.232, Florida Statutes, is amended to read:

199.232 Powers of department.—

(5) The department shall credit or refund any overpayment of tax which is revealed on an audit or for which a claim for refund is filed. A claim for refund may be filed within the period specified in s. 215.26(2) 3 years from the due date of the tax or the payment of the tax, whichever is later. It must shall be filed by the taxpayer, or the taxpayer's heirs, personal representatives, successors, or assigns, and must shall include the such information required by as the department may require.

Section 48. Effective October 1, 1994, subsection (6) of section 211.125, Florida Statutes, is amended to read:

211.125 Administration of law; books and records; powers of the department; refunds; enforcement provisions; confidentiality.—

(6)(a) The department may credit or refund any overpayments of amounts due under this part which are revealed by an audit or for which a timely claim for refund has been properly filed.

(b) A claim for refund may be filed within the period specified in s. 215.26(2) 3 years after the date of payment or the due date of the tax, whichever is later.

(c) A claim for refund must shall be signed by the taxpayer or the taxpayer's duly authorized representative, successor, or assigns and must shall include such information as the department requires may require to determine the correctness of the claim.

Section 49. Effective October 1, 1994, subsection (6) of section 212.67, Florida Statutes, is amended to read:

212.67 Refunds.—

(6)(a) Each refiner, importer, wholesaler, dealer, or retail dealer shall, in accordance with the requirements of the department, keep at his principal place of business in this state or at the bulk plant where the sale is made a complete record of or duplicate sales tickets for of all motor fuel or special fuel sold by him for which a refund provided in this section may be claimed, which records must shall give the date of each such sale, the number of gallons sold, the name of the person to whom sold, and the sale price. ~~A~~ ~~No~~ refiner, importer, wholesaler, dealer, or retail dealer, or his agent or employee, may not acknowledge or assist in the preparation of any claim for tax refund.

(b) Every person to whom a refund permit has been issued under this section shall, in accordance with the requirements of the department, keep at his residence or principal place of business in this state a record of each purchase of motor fuel or special fuel from a refiner, importer, wholesaler, dealer, or retail dealer, or his authorized agent; the number of gallons purchased; the name of the seller; the date of the purchase; and the sale price.

(c) The records required to be kept under this subsection ~~are subject, shall at all reasonable hours, be subject to audit or inspection by the department or by any person duly authorized by the department it.~~ Such records shall be preserved and may not be destroyed until the period specified in s. 215.26(2) has elapsed 3 years after the date the motor fuel or special fuel to which they relate was sold or purchased.

(d) The department shall keep a permanent record of the amount of refund claimed and paid to each claimant. Such records ~~are shall be~~ open to public inspection.

Section 50. Effective October 1, 1994, subsection (2) of section 215.26, Florida Statutes, is amended to read:

215.26 Repayment of funds paid into State Treasury through error.—

(2) Application for refunds as provided by this section ~~must shall~~ be filed with the Comptroller, except as otherwise provided in this subsection herein, within 3 years after the right to ~~the such~~ refund ~~has shall have~~ accrued ~~or else the such~~ right ~~is shall be~~ barred. However, an application for a refund of a tax enumerated in s. 72.011, except for chapter 198 and s. 220.23, which tax was paid after September 30, 1994, must be filed with the Comptroller within 5 years after the date the tax is paid. The Comptroller may delegate the authority to accept an application for refund to any state agency, or the judicial branch, vested by law with the responsibility for the collection of any tax, license, or account due. ~~The Such~~ application for refund ~~must shall~~ be on a form approved by the Comptroller and ~~must shall~~ be supplemented with ~~such~~ additional proof as the Comptroller deems necessary to establish ~~the such~~ claim; provided, ~~the such~~ claim is not otherwise barred under the laws of this state. Upon receipt of an application for refund, the judicial branch or the state agency to which the funds were paid shall make a determination of the amount due. If an application for refund is denied, in whole or in part, the judicial branch or such state agency shall ~~so~~ notify the applicant stating the reasons therefor. Upon approval of an application for refund, the judicial branch or such state agency shall furnish the Comptroller with a properly executed voucher authorizing payment.

Section 51. Effective October 1, 1994, section 220.727, Florida Statutes, is amended to read:

220.727 Limitations on claims for refund.—

(1) Except as otherwise provided in this section:

(a) A claim for refund ~~must shall~~ be filed within the period specified in s. 215.26(2) not later than 3 years after the date the return was filed or 1 year after the date the tax was paid, whichever is the later; and

(b) For purposes of this subsection, payments of estimated tax shall be deemed paid either at the time the taxpayer files its return under this code or at the time

such return is required to be filed under this code, whichever occurs first, and not at such earlier time as such payments of estimated tax were actually made. No credit or refund shall be allowed or made with respect to the taxable year for which a claim was filed unless such claim is filed within such period.

(2) Returns that were filed or taxes paid on or before September 30, 1994:

(a)1. A claim for refund shall be filed not later than 3 years after the date the return was filed or 1 year after the date the tax was paid, whichever is the later; and

2. No credit or refund shall be allowed or made with respect to the taxable year for which a claim was filed unless such claim is filed within such period.

(b)(2) The amount of any credit or refund resulting from a claim for refund shall be limited as follows:

1.(a) If the claim was filed during the 3-year period prescribed in subsection (1), the amount of the credit or refund shall not exceed the portion of tax paid within the period, equal to 3 years plus the period of any extension of time for filing the return, immediately preceding the filing of the claim.

2.(b) If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the year immediately preceding the filing of the claim.

(c)(3) For purposes of subsection (2) this section, a tax return filed on or before the last day prescribed by law for the filing of such return, determined without regard to any extensions thereof, shall be deemed to have been filed on such last day.

Section 52. (1) Notwithstanding the provisions of section 201.02, Florida Statutes, the tax imposed pursuant to that section shall not apply to any deed, instrument, writing or other document executed after January 1, 1994 by which a corporation grants, assigns, transfers, or otherwise conveys to a qualifying corporation, as defined below, any lands, tenements, or other real property, or any interest therein, including without limitation buildings and improvements thereon. As used herein, a "qualifying corporation" shall mean a corporation which meets all of the following requirements:

(a) it is a member of the same affiliated group of corporations, as defined in s. 1504(a) of the Internal Revenue Code of 1986, as the corporation which grants, assigns, transfers or otherwise conveys the subject real property interest;

(b) it receives the subject real property interest in exchange for the issuance of shares of its stock to the affiliate corporation in a transaction described in s. 351 of the Internal Revenue Code of 1986; and

(c) there is assigned to such corporation one or more contracts between the transferring affiliate corporation and the U.S. Government or agencies thereof relating to the development of aircraft engines or engine parts or to space propulsion related products.

The qualifying corporation shall, at the time such document is presented for recording, furnish to the clerk a written statement certifying that it meets the foregoing requirements.

(2) This section is repealed on December 31, 1995.

Section 53. Effective July 1, 1994, and applying retroactively to January 1, 1994, section 196.1994, Florida Statutes, is created to read:

196.1994 Space laboratories exemption.—

(1) Notwithstanding other provisions of this chapter, modules, racks, lockers and their necessary subsystems owned by any person and intended for use as space laboratories launched into space aboard the space shuttle for the primary purpose of conducting scientific research in space are deemed to carry out a scientific purpose and are exempt from ad valorem taxation.

(2) This section is repealed July 1, 2004.

Section 54. Effective January 1, 1995, section 197.332, Florida Statutes, is amended to read:

197.332 Duties of tax collectors.—The tax collector has the authority and obligation to collect all taxes as shown on the tax roll by the date of delinquency or to collect delinquent taxes by sale of tax certificates on real property and by seizure and sale of personal property. The tax collector shall be allowed to collect reasonable attorney's fees and court costs in actions on proceedings to recover delinquent taxes.

Section 55. Effective January 1, 1995, subsection (3) of section 197.402, Florida Statutes, is amended to read:

197.402 Advertisement of real or personal property with delinquent taxes.—

(3) Except as provided in s. 197.432(4), on or before June 1 or the 60th day after the date of delinquency, whichever is later, the tax collector shall advertise once each week for 3 4 weeks and shall sell tax certificates on all real property with delinquent taxes. He shall make a list of such properties in the same order in which the lands were assessed, specifying the amount due on each parcel, including interest at the rate of 18 percent per year from the date of delinquency to the date of sale; the cost of advertising; and the expense of sale.

Section 56. Effective January 1, 1995, subsections (1) and (10) of section 197.413, Florida Statutes, are amended to read:

197.413 Delinquent personal property taxes; warrants; court order for levy and seizure of personal property; seizure; fees of tax collectors.—

(1) Prior to May 1 of each year immediately following the year of assessment, the tax collector shall prepare a list of the unpaid personal property taxes containing the names and addresses of the taxpayers and the property subject to the tax as the same appear on the tax roll. Prior to April 30 of the next year, the tax collector shall prepare warrants against the delinquent taxpayers providing for the levy upon, and seizure of, tangible personal property. The tax collector is not required to issue warrants if delinquent taxes are less than \$50. However, such taxes shall remain due and payable.

(10) The tax collector is entitled to a fee of \$2 from each delinquent taxpayer at the time delinquent taxes are collected. The tax collector is entitled to receive an additional \$8 for each warrant issued.

Section 57. Effective January 1, 1995, subsection (4) of section 197.462, Florida Statutes, is amended to read:

197.462 Transfer of tax certificates held by individuals.—

(4) The tax collector shall receive ~~\$2.25~~ ~~¢1~~ as a service charge for each endorsement.

Section 58. Effective January 1, 1995, subsection (3) of section 197.472, Florida Statutes, is amended to read:

197.472 Redemption of tax certificates.—

(3) The tax collector shall receive a fee of ~~\$6.25~~ ~~¢5~~ for each tax certificate purchased or redeemed.

Section 59. Effective upon this act becoming law and applying to the 1994 and subsequent tax rolls, subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historical preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program. Real property and tangible personal property owned by the Federal Government and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this

chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee.

Section 60. If the provision of this act amending section 196.012(6), Florida Statutes, is held to be invalid or inoperative for any reason, it is the legislative intent that the invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Section 61. Subsections (2) and (8) of section 192.001, Florida Statutes, are amended to read:

192.001 Definitions.—All definitions set out in chapter 1 and chapter 200 that are applicable to this part are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(2) "Assessed value of property" means an annual determination of the just or fair market value of an item or property or the value of the homestead property as limited pursuant to s. 4(c), Art. VII of the State Constitution or, if a property is assessed solely on the basis of character or use or at a specified percentage of its value, pursuant to s. 4(a) or s. 4(b), Art. VII of the State Constitution, its classified use value or fractional value.

(8) "Homestead" means that property described in s. 6(a), Art. VII ~~and s. 4(a)(1), Art. X~~ of the State Constitution.

Section 62. Section 193.155, Florida Statutes, is created 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 assessment must be recalculated for every such year.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 63. Paragraph (d) is added to subsection (3) of section 193.461, Florida Statutes, to read:

193.461 Agricultural lands; classification and assessment.—

(3)

(d) When property receiving an agricultural classification 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, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

Section 64. Subsection (1) of section 195.073, Florida Statutes, is amended to read:

195.073 Classification of property.—All items required by law to be on the assessment rolls shall receive a classification based upon the use of the property. The department shall promulgate uniform definitions for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.

(1) Real property shall be classified according to the assessment basis of the land into the following classes:

(a) Residential, subclassified into categories, one category for homestead property and one for nonhomestead property:

1. Single family.
 2. Mobile homes.
 3. Multifamily.
 4. Condominiums.
 5. Cooperatives.
 6. Retirement homes.
- (b) Commercial and industrial.
- (c) Agricultural.
- (d) Nonagricultural acreage.
- (e) Exempt, wholly or partially.
- (f) Centrally assessed.
- (g) Leasehold interests.
- (h) Time-share property.
- (i) Other.

Section 65. Section 195.0985, Florida Statutes, is amended to read:

195.0985 Annual ratio studies; publication.—Annually, not later than 15 days following approval of the assessment roll for a county pursuant to s. 193.1142, the Department of Revenue shall publish sales assessment to sales ratio studies for that county.

Section 66. Subsection (13) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(13) “Real estate used and owned as a homestead” means real property to the extent provided in s. 6(a), Art. VII ~~and s. 4(a)(1), Art. X~~ of the State Constitution, but less any portion thereof used for commercial purposes, with the title of such property being recorded in the official records of the county in which the property is located.

Section 67. Subsections (8) and (9) of section 200.069, Florida Statutes, are amended to read:

200.069 Notice of proposed property taxes.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities within his 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. Notwith-

standing 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).

(8) The notice shall further read:

~~Your property value as of January 1:~~

| | <u>Market Value</u> | Assessed Value | Exemptions | Taxable Value |
|--|-------------------------|-------------------|------------|------------------|
| <u>Your Property Value Last Year</u> | \$..... | \$..... | \$..... | \$..... |
| <u>Your Property Value This Year</u> | \$..... | \$..... | \$..... | \$..... |

~~Last year's assessed value: \$...(amount)...~~

If you feel that the market assessed 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 assessed 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.)

Section 68. (1) Subsection (4) is added to section 199.135, Florida Statutes, to read:

199.135 Due date and payment of nonrecurring tax.—The nonrecurring tax imposed on notes, bonds, and other obligations for payment of money secured by a mortgage, deed of trust, or other lien evidenced by a written instrument presented for recordation shall be due and payable when the instrument is presented for recordation. If there is no written instrument or if it is not so presented within 30 days following creation of the obligation, then the tax shall be due and payable within 30 days following creation of the obligation.

(1) Where an instrument giving rise to the mortgage, deed of trust, or other lien is recorded, the person recording it shall pay the tax to the clerk of the circuit court to whom the instrument is presented for recording. The clerk shall note the amount received upon the instrument. If the instrument is being recorded in more than one county, the tax may be paid to the clerk of circuit court in any such county, and, upon request, such clerk shall notify the clerks of circuit court in the other counties as to such payment.

(2) Where no instrument is recorded, the tax shall be paid to the department as provided by rule.

(3) No later than 7 working days after the end of each week, each clerk shall transmit to the department all nonrecurring intangible taxes collected during the preceding week, together with a report certifying the amount of tax collected with respect to all instruments upon which the tax was paid. Each clerk shall be compensated 0.5 percent of any tax he collects under s. 199.133 as collection costs in the form of a deduction from the amount of tax due and remitted by him, and the department shall allow the deduction to the clerk remitting the tax in the manner as provided by the department.

(4) With respect to the nonrecurring tax imposed pursuant to s. 199.133, the taxpayer shall be solely liable for payment of the tax but may pass on the amount of such tax to the borrower or mortgagor.

Section 69. It is the intent of the Legislature that the amendment to section 199.135, Florida Statutes, made by this act, is made for the purpose of clarifying and confirming the existing authority of mortgage lenders, under applicable law and practice, to pass on to borrowers and mortgagors the nonrecurring tax imposed pursuant to section 199.133, Florida Statutes.

Section 70. Effective July 1, 1994, and applicable to taxable years beginning on or after January 1, 1993, paragraph (b) 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:

(b) Subtractions.—

1. There shall be subtracted from such taxable income:

a. The net operating loss deduction allowable for federal income tax purposes under s. 172 of the Internal Revenue Code for the taxable year,

b. The net capital loss allowable for federal income tax purposes under s. 1212 of the Internal Revenue Code for the taxable year,

c. The excess charitable contribution deduction allowable for federal income tax purposes under s. 170(d)(2) of the Internal Revenue Code for the taxable year, and

d. The excess contributions deductions allowable for federal income tax purposes under s. 404 of the Internal Revenue Code for the taxable year.

However, a net operating loss and a capital loss shall never be carried back as a deduction to a prior taxable year, but all deductions attributable to such losses shall be deemed net operating loss carryovers and capital loss carryovers, respectively, and treated in the same manner, to the same extent, and for the same time periods as are prescribed for such carryovers in ss. 172 and 1212, respectively, of the Internal Revenue Code.

2. There shall be subtracted from such taxable income any amount to the extent included therein the following:

a. Dividends treated as received from sources without the United States, as determined under s. 862 of the Internal Revenue Code.

b. All amounts included in taxable income under s. 78 or s. 951 of the Internal Revenue Code.

However, as to any amount subtracted under this subparagraph, there shall be added to such taxable income all expenses deducted on the taxpayer's return for the taxable year which are attributable, directly or indirectly, to such subtracted amount. Further, no amount shall be subtracted with respect to dividends paid or deemed paid by a Domestic International Sales Corporation.

3. In computing "adjusted federal income" for taxable years beginning after December 31, 1976, there shall be allowed as a deduction the amount of wages and salaries paid or incurred within this state for the taxable year for which no deduction is allowed pursuant to s. 280C(a) of the Internal Revenue Code (relating to credit for employment of certain new employees).

4. There shall be subtracted from such taxable income any amount of nonbusiness income included therein.

5. There shall be subtracted any amount of taxes of foreign countries allowable as credits for taxable years beginning on or after September 1, 1985, under s. 901 of the Internal Revenue Code to any corporation which derived less than 20 per-

cent of its gross income or loss for its taxable year ended in 1984 from sources within the United States, as described in s. 861(a)(2)(A) of the Internal Revenue Code, not including credits allowed under ss. 902 and 960 of the Internal Revenue Code, withholding taxes on dividends within the meaning of subparagraph 2.a., and withholding taxes on royalties, interest, technical service fees, and capital gains.

6. Notwithstanding any other provision of this code, except with respect to amounts subtracted pursuant to subparagraphs 1. and 3., any increment of any apportionment factor which is directly related to an increment of gross receipts or income which is deducted, subtracted, or otherwise excluded in determining adjusted federal income shall be excluded from both the numerator and denominator of such apportionment factor. Further, all valuations made for apportionment factor purposes shall be made on a basis consistent with the taxpayer's method of accounting for federal income tax purposes.

Section 71. Effective July 1, 1994, paragraph (b) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraph (b) of subsection (3) of section 212.0306, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

212.0306 Local option food and beverage tax; procedure for levying; authorized uses; administration.—

(1) Any county, as defined in s. 125.011(1), may impose the following additional taxes, by ordinance adopted by a majority vote of the governing body:

(b) At the rate of 1 percent on the sale of food, beverages, or alcoholic beverages in establishments that are licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels; however, the tax shall not apply to any alcoholic beverage item sold by the package for off-premises consumption.

~~(2)(a)1. Beginning July 1 of each year, and effective until the following June 30, The sales in any establishment licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels, that had gross annual revenues of \$400,000 or less in the previous calendar year, are exempt from the tax authorized by paragraph (1)(b).~~

2. For purposes of determining qualification for this exemption, each such establishment must determine the annual gross revenues of the business at the end of each calendar year. If an establishment's exemption status changes, the establishment must cease or begin collection of the tax effective the following February 1, in accordance with its new exemption status. An establishment must notify the tax collector of the county levying the tax of such change in writing no later than 20 days after the end of the calendar year.

3. Each newly opened establishment must collect the tax authorized by paragraph (1)(b) for 45 days commencing with its first day of business. After such time a newly opened business may cease collecting the tax if its projected gross annual revenues are \$400,000 or less. Projected gross annual revenues shall be determined by dividing gross revenues for the first 45 days by 45, and multiplying the resulting quotient by 365. Newly opened businesses which cease collecting the tax must notify the tax collector of the county levying the tax within 20 days after the last day the tax is collected. A newly opened establishment which has been in business for

less than 45 days as of the end of its first calendar year is exempt from the provisions of subparagraph 2. for that calendar year.

(b) ~~Sales in any veterans' organization, fraternal, or other chartered or incorporated club licensed under s. 565.02(4) are exempt from the tax authorized by paragraph (1)(b).~~

(3)

(b) For the first 12 months, the proceeds from the tax authorized by paragraph (1)(b) shall be used by the county to assist persons who have become, or are about to become, homeless. These funds shall be made available for emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment, employment and training, education, and housing. Thereafter, not less than 15 percent of these funds shall be made available for construction and operation of domestic violence centers ~~a spouse abuse emergency treatment and shelter facility~~, and the remainder shall be used for the other purposes set forth in this paragraph. In addition, the proceeds of the tax and the interest accrued on those proceeds may be used as collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith. Prior to enactment of the ordinance levying and imposing the tax provided for by paragraph (1)(b), the county shall appoint a representative task force including, but not limited to, service providers, homeless persons' advocates, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for addressing the needs of persons who have become, or are about to become, homeless. The governing board of the county shall adopt this countywide plan for addressing homeless needs as part of the ordinance levying the tax.

(7) Each county shall also appoint an oversight board including, but is not limited to, service providers, domestic violence victim advocates, members of the judiciary, concerned citizens, a victim of domestic violence, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for disbursing the funds made available for the construction and operation of domestic violence centers. Each member of the county's governing board shall appoint a member, and the county manager shall appoint two members, to the oversight board.

Section 72. Effective July 1, 1994, subsection (7) of section 212.0306, Florida Statutes, as created by chapter 93-233, Laws of Florida, is repealed.

Section 73. Subsection (2) of section 193.1142, Florida Statutes, is amended to read:

193.1142 Approval of assessment rolls.—

(2)(a) The executive director or his or her designee shall disapprove all or part of any assessment roll of any county not in full compliance with the administrative order of the executive director issued pursuant to the notice called for in s. 195.097 and shall otherwise disapprove all or any part of any roll not assessed in substantial compliance with law, as disclosed during the investigation by the department, including, but not limited to, audits by the Department of Revenue and Auditor General establishing noncompliance.

(b)1. If an assessment roll is disapproved under paragraph (a) and the reason for the disapproval is noncompliance due to material mistakes of fact relating to physical characteristics of property, the executive director or his or her designee may issue an administrative order as provided in s. 195.097. In such event, the mileage adoption process, extension of tax rolls, and tax collection shall proceed and the interim roll procedures of s. 193.1145 shall not be invoked.

2. For the 1993 and 1994 assessment rolls, the executive director or his or her designee may invoke subparagraph 1. without disapproving an assessment roll or portion of an assessment roll. This subparagraph shall not be applied to a county more than once. This subparagraph expires December 31, 1994.

c. For purposes of this subsection, "material mistakes of fact" means any and all mistakes of fact relating to physical characteristics of property that, if included in the assessment of property, would result in a deviation or change in assessed value of the parcel of property.

Section 74. Subsection (2) of section 320.131, Florida Statutes, as amended by chapter 93-120, Laws of Florida, is amended to read:

320.131 Temporary tags.—

(2) The department is authorized to sell temporary tags, in addition to those listed above, to their agents and where need is demonstrated by a consumer complainant. The fee shall be ~~\$2~~ ~~\$1~~ each. One dollar from each tag sold shall be deposited into the Impaired Drivers and Speeders Trust Fund, with the remaining proceeds being deposited into the Highway Safety Operating Trust Fund. Agents of the department shall sell temporary tags for ~~\$2~~ ~~\$1~~ each and shall charge the service charge authorized by s. 320.04 per transaction, regardless of the quantity sold. Requests for purchase of temporary tags to the department or its agents shall be made, where applicable, on letterhead stationery and notarized. A temporary tag shall be valid for 30 days and no more than two shall be issued to the same person for the same vehicle.

Section 75. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-354

House Bill No. 2653

An act relating to money transmitters; creating the "Money Transmitters Code"; creating part I of chapter 560, F.S., consisting of ss. 560.101, 560.102, 560.103, 560.104, 560.105, 560.106, 560.107, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.122, 560.123, 560.124, 560.125, 560.126, 560.127, and 560.128, F.S.; providing a short title; providing purpose, scope, and application of the Money Transmitters Code; providing definitions; exempting

certain entities from the provisions of the code; providing powers of the Department of Banking and Finance; authorizing the department to adopt rules; providing for construction; requiring the department to observe certain standards; providing for limited liability when acting upon certain rules, orders, or declaratory statements; providing guidelines for administrative enforcement; providing duties and powers of the department relating to investigations, subpoenas, hearings, and witnesses; prohibiting certain acts and practices; providing penalties; providing procedures for disciplinary actions; requiring disciplinary actions to be public; specifying certain actions as violations of the code; providing for injunctions; providing the grounds upon which the department may undertake disciplinary actions; providing for surrender of registrations; providing immunity to persons who provide information concerning violations of the code; authorizing the department to impose administrative fines under certain circumstances; authorizing the department to conduct examinations of money transmitters, to recover costs of such examination, to require quarterly reporting, and to impose administrative fines; requiring fees and assessments to be deposited into the Financial Institutions' Regulatory Trust Fund; providing penalties; requiring registration of existing money transmitters; providing procedures for applications; creating the "Florida Control of Money Laundering in Money Transmitters Act"; providing purposes; providing application; requiring money transmitters to file certain reports with the department; requiring the department to maintain such reports for a certain time; providing additional enforcement powers of the department; providing penalties; providing for the reporting of certain financial transactions; providing immunity to persons who provide information concerning violations of the code; prohibiting operation of a money transmitter business by unauthorized persons; providing penalties; providing for administrative fines; requiring notice of certain specified events; specifying conditions of control of a money transmitter; requiring notice of change in control; authorizing the department to disapprove changes in control under certain circumstances; requiring money transmitters to provide a toll-free telephone number for consumer contacts; creating part II of chapter 560, F.S., consisting of ss. 560.200, 560.202, 560.203, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.212, and 560.213, F.S.; providing a short title; providing definitions; exempting vendors of registrants from registration requirements; requiring registration for engaging in specified activities; specifying qualifications of applicants for registration; providing application requirements; authorizing the department to investigate applicants; providing for registration renewal; providing for a renewal fee; providing for the conduct of business at more than one location; providing requirements for net worth, surety bonds, and collateral deposit in lieu of a bond; authorizing the department to waive or reduce such requirements under certain circumstances; specifying certain permissible investments; authorizing the department to waive certain requirements under certain circumstances; requiring money transmitters to maintain certain records for a certain time; providing for financial liability of registrants under certain circumstances; requiring payment instruments to contain certain information; creating part III of chapter 560, F.S., consisting of ss. 560.301, 560.302, 560.303, 560.304, 560.305, 560.306, 560.307, 560.308, 560.309, and

560.310, F.S.; providing a short title; providing definitions; providing for registrant to engage in certain activities; restricting certain activities; providing exemptions; providing application procedures; providing standards for registration; providing powers of the department; providing for an application fee; providing for terms of registrations; providing for registration renewal and renewal fees; specifying conditions of operation of registrants; authorizing the department to adopt rules; providing limitations on certain fees and charges; requiring registrants to maintain certain records of transactions; amending 658.295(2)(j); providing an appropriation; repealing ss. 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.131, 560.133, 560.135, 560.151, 560.16, 560.17, and 560.201, F.S., relating to sale of money orders; providing severability; providing an effective date.

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

Section 1. Part I of chapter 560, Florida Statutes, consisting of sections 560.101, 560.102, 560.103, 560.104, 560.105, 560.106, 560.107, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.122, 560.123, 560.124, 560.125, 560.126, 560.127, and 560.128, is created to read:

560.101 Short title.—This chapter may be cited as the “Money Transmitters Code.”

560.102 Purpose: application.—The purposes of the code are to:

(1) Provide general regulatory powers to be exercised by the Department of Banking and Finance in relation to the regulation of the money transmitter industry. The code applies to all money transmitters transacting business in this state and to the enforcement of all laws relating to the money transmitter industry.

(2) Provide for and promote, subject to the provisions of the code:

(a) The safe and sound conduct of the business of the money transmitters subject to the code.

(b) The maintenance of public confidence in the money transmitter industry.

(c) The protection of the interests of the public in the money transmitter system.

(d) The deterrence of the use of money transmitters as a vehicle for money laundering.

(e) The opportunity for money transmitters to be and remain competitive with each other and with other business organizations existing under the statutes of this state, and with other money transmitters and organizations organized under the laws of other states, the United States, or foreign countries.

(f) The opportunity for money transmitters to effectively serve the convenience and needs of their customers and the public and to participate in and promote the economic progress and welfare of this state and the United States.

(g) The opportunity for the management of money transmitters to exercise their business judgment within the framework of the code.

(h) Only such rulemaking power and administrative discretion to the department as is necessary, in order that the supervision and regulation of money transmitters may be flexible and readily responsive to changes in economic conditions, in technology, and in money transmitter practices.

560.103 Definitions.—As used in the code, unless the context otherwise requires:

(1) “Appropriate regulator” means any state or federal agency, including the department, that has been granted state or federal statutory authority with regard to the money transmission function.

(2) “Authorized vendor” means a person designated by a registrant to engage in the business of a money transmitter on behalf of the registrant.

(3) “Check casher” means a person who for compensation sells currency in exchange for payment instruments received, except travelers checks and foreign-drawn payment instruments.

(4) “Code” means the “Money Transmitters Code,” consisting of:

(a) Part I of this chapter, relating to money transmitters generally,

(b) Part II of this chapter, relating to payment instruments and funds transmission,

(c) Part III of this chapter, relating to check cashing and foreign currency exchange.

(5) “Consideration” means and includes any premium charged for the sale of goods, or the services provided which are related to the sale of the goods, that is in excess of the cash price of such goods.

(6) “Currency” means the coin and paper money of the United States or of any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issuance. Currency includes United States silver certificates, United States notes, and Federal Reserve notes. Currency also includes official foreign bank notes that are customarily used and accepted as a medium of exchange in a foreign country.

(7) “Department” means the Florida Department of Banking and Finance.

(8) “Foreign currency exchanger” means a person who exchanges, for compensation, currency of the United States or a foreign government to currency of another government.

(9) “Funds transmitter” means a person who engages in the receipt of money for the purpose of transmission by any means including transmissions within this country or to or from locations outside this country by wire, facsimile, electronic transfer, courier, or otherwise.

(10) “Money transmitter” means any person located in or doing business in this state who acts as a payment instrument seller, foreign currency exchanger, check casher, or funds transmitter.

(11) “Money transmitter-affiliated party” means any director, officer, responsible person, employee, authorized vendor, independent contractor of a money transmitter, or a person who has filed, is required to file, or found to control a money transmitter pursuant to s. 560.127.

(12) "Officer" means an individual, whether or not the individual has an official title or receives a salary or other compensation, who participates or has authority to participate, other than in the capacity of a director, in major policymaking functions of the money transmitter business.

(13) "Outstanding payment instruments" means unpaid payment instruments whose sale has been reported to a registrant.

(14) "Payment instrument" means a check, draft, warrant, money order, traveler's check or other instrument or payment of money whether or not negotiable. Payment instrument does not include an instrument that is redeemable by the issuer in merchandise or service, a credit card voucher, or a letter of credit.

(15) "Payment instrument seller" means a person who sells a payment instrument.

(16) "Person" means any individual, partnership, association, trust, corporation, or other group, however organized, but does not include the governments of the United States or this state or any department, agency, or instrumentality thereof.

(17) "Registrant" means a person registered by the department pursuant to the code.

(18) "Responsible person" means a person who is employed by or affiliated with a money transmitter and who has principal active management authority over the business decisions, actions, and activities of the money transmitter in this state.

(19) "Sell" means to sell, issue, provide, or deliver.

(20) "Unsafe or unsound practice" means any practice or conduct found by the department to be contrary to generally accepted standards applicable to the specific money transmitter, or a violation of any prior order of an appropriate regulatory agency, which practice, conduct, or violation creates the likelihood of material loss, insolvency, or dissipation of assets of the money transmitter or otherwise materially prejudices the interests of its customers. In making this determination, the department must consider the size and condition of the money transmitter, the magnitude of the loss, the gravity of the violation, and the prior conduct of the person or business involved.

560.104 Exemptions.—The following entities are exempt from the provisions of the code:

(1) Banks, credit card banks, credit unions, trust companies, associations, offices of an international banking corporation, Edge Act or agreement corporations, or other financial depository institutions organized under the laws of any state or the United States, provided they do not sell payment instruments through authorized vendors who are not such entities.

(2) The United States or any department, instrumentality, or agency thereof.

(3) This state or any political subdivision of this state.

560.105 Supervisory powers of the department; rulemaking.—Consistent with the purposes of the code, the department shall have:

(1) Supervision over all money transmitters and their authorized vendors.

(2) Access to books and records of persons over whom the department exercises supervision as is necessary for the performance of the duties and functions of the department prescribed by the code.

(3) Power to issue and publish rules, orders, and declaratory statements, disseminate information, and otherwise exercise its discretion to effectuate the purposes, policies, and provisions of the code and to interpret and implement the provisions of the code.

560.106 Construction; standards.—

(1) This code shall be liberally construed and applied to promote its purposes and policies.

(2) The purposes and policies stated in s. 560.102 constitute the standards to be observed by the department in the exercise of its discretionary powers under the code, in the adoption of rules, in the issuance of orders and declaratory statements, in the examination and supervision of money transmitters and their authorized vendors, and in all matters of construction and application of the code required for any determination or action by the department.

560.107 Liability.—No person acting, or who has acted, in good faith reliance upon a rule, order, or declaratory statement issued by the department shall be subject to any criminal, civil, or administrative liability for such action, notwithstanding a subsequent decision by a court of competent jurisdiction invalidating the rule, order, or declaratory statement. In the case of an order or a declaratory statement which is not of general application, no person other than the person to whom the order or declaratory statement was issued is entitled to rely upon it, except upon material facts or circumstances which are substantially the same as those upon which the order or declaratory statement was based.

560.108 Administrative enforcement guidelines.—

(1) In imposing any administrative remedy or penalty provided for in the code, the department shall take into account the appropriateness of the penalty with respect to the size of the financial resources and good faith of the person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(2) All administrative proceedings pursuant to the code shall be conducted in accordance with chapter 120. Any service required or authorized to be made by the department under the code may be made by certified mail, return receipt requested, delivered to addressee only by personal delivery or in accordance with chapter 48. The service provided for in this subsection is effective on the date of delivery.

560.109 Investigations, subpoenas, hearings, and witnesses.—

(1) The department may make investigations, within or outside this state, which it deems necessary to determine whether a person has violated any provision of the code or the rules adopted by the department pursuant to the code.

(2)(a) In the course of or in connection with an investigation by the department pursuant to the provisions of subsection (1) or an investigation or examination in connection with any application to the department for the organization or establishment of a money transmitter business, or in connection with an examination or investigation of a money transmitter or its authorized vendor, the department,

or any of its officers holding no lesser title and position than financial examiner or analyst, financial investigator, or attorney at law, may:

1. Administer oaths and affirmations.
2. Take or cause to be taken testimony and depositions.

(b) The department, or any of its officers holding no lesser title than attorney or area financial manager, may issue, revoke, quash, or modify subpoenas and subpoenas duces tecum under the seal of the department or to cause any such subpoena or subpoena duces tecum to be issued by any county court judge or clerk of the circuit court or county court to require persons to appear before the department at a reasonable time and place to be therein named and to bring such books, records, and documents for inspection as may be therein designated. Such subpoenas may be served by a representative of the department or may be served as otherwise provided for by law for the service of subpoenas.

(c) In connection with any such investigation or examination, the department may permit a person to file a statement in writing, under oath or otherwise as the department determines, as to facts and circumstances specified by the department.

(3)(a) In the event of noncompliance with a subpoena issued or caused to be issued by the department pursuant to this section, the department may petition the circuit court of the county in which the person subpoenaed resides or has its principal place of business for an order requiring the subpoenaed person to appear and testify and to produce such books, records, and documents as are specified in such subpoena duces tecum. The department is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on its calendar.

(b) A copy of the petition shall be served upon the person subpoenaed by any person authorized by this section to serve subpoenas, who shall make and file with the court an affidavit showing the time, place, and date of service.

(c) At any hearing on any such petition, the person subpoenaed, or any person whose interests will be substantially affected by the investigation, examination, or subpoena, may appear and object to the subpoena and to the granting of the petition. The court may make any order which justice requires to protect a party or other person and his personal and property rights, including, but not limited to, protection from annoyance, embarrassment, oppression, or undue burden or expense.

(d) Failure to comply with an order granting, in whole or in part, a petition for enforcement of a subpoena is a contempt of court.

(4) Witnesses shall be entitled to the same fees and mileage to which they might be entitled by law for attending as witnesses in the circuit court, except that no fees or mileage shall be allowed in the case of testimony of a person if such testimony is taken at the person's principal office or residence.

(5) Reasonable and necessary costs incurred by the department and payable to persons involved with investigations may be assessed against any person on the basis of actual costs incurred. Assessable expenses include, but are not limited to: expenses for interpreters; expenses for communications; expenses for legal representation; expenses for economic, legal, or other research, analyses, and testimony; and fees and expenses for witnesses. The failure to reimburse the department is

a ground for denial of the registration application or for revocation of any approval thereof. No such costs shall be assessed against a person unless the department has determined that the person has or is operating in violation of the code.

560.111 Prohibited acts and practices.—

(1) It is unlawful for any money transmitter or money transmitter-affiliated party to:

(a) Knowingly receive or possess itself of any property otherwise than in payment of a just demand, and, with intent to deceive or defraud, to omit to make or cause to be made a full and true entry thereof in its books and accounts, or concur in omitting to make any material entry thereof;

(b) Embezzle, abstract, or misapply any money, property, or thing of value of the money transmitter or authorized vendor with intent to deceive or defraud such money transmitter or authorized vendor;

(c) Make any false entry in any book, report, or statement of such money transmitter or authorized vendor with intent to deceive or defraud such money transmitter, authorized vendor, or another person, or with intent to deceive the department, any other appropriate regulatory agency, or any authorized representative appointed to examine or investigate the affairs of such money transmitter or authorized vendor;

(d) Deliver or disclose to the department or any of its employees any examination report, report of condition, report of income and dividends, audit, account, statement, or document known by it to be fraudulent or false as to any material matter; or

(e) Knowingly place among the assets of such money transmitter or authorized vendor any note, obligation, or security which the money transmitter or authorized vendor does not own or which to the person's knowledge is fraudulent or otherwise worthless or for any such person to represent to the department that any note, obligation, or security carried as an asset of such money transmitter or authorized vendor is the property of the money transmitter or authorized vendor and is genuine if it is known to such person that such representation is false or that such note, obligation, or security is fraudulent or otherwise worthless.

(2) It is unlawful for any person to knowingly execute, or attempt to execute, a scheme or artifice to defraud a money transmitter or authorized vendor, or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a money transmitter or authorized vendor, by means of false or fraudulent pretenses, representations, or promises.

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

560.112 Procedures for disciplinary actions.—

(1) The department may issue and serve upon any person a complaint stating charges whenever the department has reason to believe that such person has engaged in or is engaging in conduct described in s. 560.114.

(2) The complaint must contain the statement of facts and notice of opportunity for a hearing pursuant to s. 120.57.

(3) If no hearing is requested within the time allowed by s. 120.57, or if a hearing is held and the department finds that any of the charges are true, the department may enter an order directing the money transmitter, money transmitter-affiliated party, or the person named therein to cease and desist from engaging in the conduct complained of and to take reasonable corrective action. The department may also issue an order suspending or barring any money transmitter-affiliated party from continuing to be employed by or associated with any money transmitter or authorized vendor during the period such order is in effect.

(4) If any person named in such order fails to respond to the complaint within the time allotted in s. 120.57, such failure constitutes a default and justifies the entry of a cease and desist order or removal order.

(5) A contested or default cease and desist order or removal order, pursuant to subsections (3) and (4), is effective when reduced to writing and served upon the money transmitter, money transmitter-affiliated party, or the person named therein. An uncontested cease and desist order or removal order is effective as agreed.

(6) Whenever the department finds that conduct described in s. 560.114 is likely to cause substantial dissipation of assets or earnings of the money transmitter or, insolvency or substantial prejudice to the customers of the money transmitter or authorized vendor, it may issue an emergency removal order or an emergency cease and desist order requiring any person to disassociate itself from participating in the affairs of the money transmitter or authorized vendor or to immediately cease and desist from engaging in the conduct complained of and to take corrective action. The emergency order is effective immediately upon service of the order upon the person and remains effective for 90 days. Such person may object to the issuance of the emergency order pursuant to the provisions of chapter 120. Such objection must be in writing and must include a request for a formal hearing which is to be promptly instituted and acted upon. If the department begins nonemergency proceedings under subsection (1), the emergency order remains effective until the conclusion of the proceedings under s. 120.57.

560.113 Injunctions.—Whenever a violation of the code is threatened or impending and such violation will cause substantial injury to any person, the circuit court has jurisdiction to hear any complaint filed by the department and, upon proper showing, to issue an injunction restraining such violation or granting other such appropriate relief.

560.114 Disciplinary actions.—

(1) The following actions are violations of the code and constitute grounds for the issuance of a cease and desist order, the issuance of a removal order, the denial of a registration application or the suspension or revocation of any registration previously issued pursuant to the code, or the taking of any other action within the authority of the department pursuant to the code:

(a) Knowing failure to comply with any provision of the code, any rule or order adopted pursuant thereto, or any written agreement entered into with the department.

(b) Fraud, misrepresentation, deceit, or gross negligence in any transaction involving money transmission, regardless of reliance thereon by or damage to a money transmitter customer.

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a money transmitter customer pursuant to the code, regardless of reliance thereon by or damage to such customer.

(d) False, deceptive, or misleading advertising by a money transmitter or authorized vendor.

(e) Failure to maintain, preserve, and keep available for examination, all books, accounts, or other documents required by the code, any rule or order adopted pursuant to the code, or by any agreement entered into with the department.

(f) Any fact or condition that exists that, if it had existed or had been known to exist at the time the money transmitter applied for registration, would have been grounds for denial of registration.

(g) A willful refusal to permit the examination or inspection of books and records in an investigation or examination by the department, pursuant to the provisions of the code, or to comply with a subpoena issued by the department.

(h) Failure of the money transmitter or authorized vendor to pay a judgment recovered in any court in this state by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment becomes final.

(i) Engaging in a prohibited act or practice.

(j) Insolvency or operating in an unsafe and unsound manner.

(k) Failure by a money transmitter to remove a money transmitter-affiliated party after the department has issued and served upon the money transmitter a final order setting forth a finding that the money transmitter-affiliated party has knowingly violated any provision of the code.

(2) In addition to the acts specified in subsection (1), the following acts are grounds for denial of registration or for revocation, suspension, or restriction of registration previously granted:

(a) A material misstatement of fact in an initial or renewal application for registration.

(b) Having registered, or having a registration or the equivalent, to practice any profession or occupation denied, suspended, revoked, or otherwise acted against by a registering authority in any jurisdiction for fraud or dishonest dealing.

(c) Having been convicted of or found guilty of, or having pleaded guilty or nolo contendere to, a crime involving fraud or dishonest dealing.

(3) Each money transmitter is responsible for any act of its authorized vendors, if the money transmitter has actual knowledge that such act is a violation of the code and the money transmitter willfully allowed such act to continue. Such responsibility is limited to conduct engaged in by the authorized vendor pursuant to the authority granted to it by the money transmitter.

560.115 Surrender of registration.—Any money transmitter registered pursuant to the code may voluntarily surrender its registration at any time by giving written notice to the department.

560.116 Civil immunity.—Any person having reason to believe that a provision of the code is being violated, or has been violated, or is about to be violated, may

file a complaint with the department setting forth the details of the alleged violation. An immunity from civil liability is hereby granted to any person who furnishes such information, unless the information provided is false and the person providing the information does so with reckless disregard for the truth.

560.117 Administrative fines; enforcement.—

(1) The department may, by complaint, initiate a proceeding pursuant to chapter 120 to impose an administrative fine against any person found to have violated any provision of the code or a cease and desist order of the department or any written agreement with the department. No such proceeding shall be initiated and no fine shall accrue pursuant to this section until after such person has been notified in writing of the nature of the violation and has been afforded a reasonable period of time, as set forth in the notice, to correct the violation and has failed to do so. Except as provided in this section, such fine may not exceed \$100 a day for each violation. The department may excuse any such fine with a showing of good cause by the person being fined.

(2) The department may impose a fine not to exceed \$1,000 per day for each day that a person violates the code by engaging in the business of a money transmitter without being registered.

(3) Any administrative fine levied by the department may be enforced by the department by appropriate proceedings in the circuit court of the county in which such person resides or maintains a principal office. In any administrative or judicial proceeding arising under this section, a party may elect to correct the violation asserted by the department and, upon doing so, any fine ceases to accrue; however, an election to correct the violation does not render any administrative or judicial proceeding moot.

560.118 Examinations, reports, and internal audits; penalty.—

(1)(a) The department may conduct an examination of a money transmitter or authorized vendor by providing not less than 15 days' advance notice to the money transmitter or authorized vendor; however, whenever the department has reason to believe that a money transmitter or authorized vendor is engaging in an unsafe and unsound practice, or has violated or is violating any provision of the code, the department may make an examination of such money transmitter or authorized vendor without providing advance notice. The department may accept an examination of any appropriate regulatory agency or an audit from a certified public accountant with respect to the operations of a money transmitter or an authorized vendor. The department may also make a joint or concurrent examination with any appropriate regulatory agency. The department may furnish a copy of all examinations made of such money transmitter or authorized vendor to the money transmitter and any appropriate regulatory agency provided that such agency agrees to abide by the confidentiality provisions as set forth in chapter 119.

(b) The department may recover the costs of a regular examination and supervision of a money transmitter or authorized vendor; however, the department may not recover the costs of more than one examination in any 12 month period unless the department has determined that the money transmitter or authorized vendor is operating in an unsafe or unsound or unlawful manner.

(c) The department may, by rule, set a maximum per day examination cost for a regular examination. Such per day cost may be less than that required to fully

compensate the department for costs associated with the examination. For the purposes of this section, "costs" means the salary and travel expenses directly attributable to the field staff examining the money transmitter or authorized vendor, and the travel expenses of any supervisory staff required as a result of examination findings. Reimbursement for such costs incurred under this subsection must be postmarked no later than 30 days after the date of receipt of a notice stating that such costs are due. The department may levy a late payment penalty of up to \$100 per day or part thereof that a payment is overdue, unless the late payment penalty is excused for good cause. In excusing any such late payment penalty, the department may consider the prior payment history of the money transmitter or authorized vendor.

(2)(a) The department may, by rule, require each money transmitter or authorized vendor to submit quarterly reports to the department. The department may require that each report contain a declaration by an officer, or any other responsible person authorized to make such declaration, that the report is true and correct to the best of his knowledge and belief. Such report must include such information as the department by rule requires for that type of money transmitter.

(b) The department may levy an administrative fine of up to \$100 per day for each day the report is past due, unless it is excused for good cause. In excusing any such administrative fine, the department may consider the prior payment history of the money transmitter or authorized vendor.

(c) The department, on or before December 31, 1997, shall evaluate the necessity for continued receipt of the reports required by this subsection, and amend or delete any reporting requirements, based upon the value of the requirement in promoting the purposes of the code.

560.119 Deposit of fees and assessments.—The application fees, registration renewal fees, examination fees, late payment penalties, civil penalties, administrative fines, and other fees or penalties provided for in the code shall, in all cases, be paid directly to the department, which shall deposit such proceeds into the Financial Institutions' Regulatory Trust Fund. Each year, the Legislature shall appropriate from the trust fund to the department sufficient moneys to pay the department's costs for administration of the code. The Financial Institutions' Regulatory Trust Fund is subject to the service charge imposed pursuant to chapter 215.

560.121 Records; limited restrictions upon public access.—

(1)(a) Orders of courts or of hearing officers for the production of confidential records or information shall provide for inspection in camera by the court or the hearing officer and, after the court or hearing officer has made a determination that the documents requested are relevant or would likely lead to the discovery of admissible evidence, said documents shall be subject to further orders by the court or the hearing officer to protect the confidentiality thereof. Any order directing the release of information shall be immediately reviewable, and a petition by the department for review of such order shall automatically stay further proceedings in the trial court or the administrative hearing until the disposition of such petition by the reviewing court. If any other party files such a petition for review, it will operate as a stay of such proceedings only upon order of the reviewing court.

(b) Confidential records and information furnished pursuant to a legislative subpoena shall be kept confidential by the legislative body or committee which re-

ceives the records or information, except in a case involving investigation of charges against a public official subject to impeachment or removal, and then disclosure of such information shall be only to the extent determined by the legislative body or committee to be necessary.

(2) Examination reports, investigatory records, applications, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least 10 years.

(3) A copy of any document on file with the department which is certified by the department as being a true copy may be introduced in evidence as if it were the original. The department shall establish a schedule of fees for preparing true copies of documents.

(4) Any person who willfully discloses information made confidential by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

560.122 Registering of existing money transmitters.—The registration of all sellers of payment instruments with an active license pursuant to this chapter on the effective date of this code shall remain in effect until April 30, 1996. All other money transmitters operating in this state on the effective date of this act are required to file a registration application with the department on or before December 31, 1994. Before December 31, 1994, an applicant may continue to operate as a money transmitter unless the department denies the applicant's registration request. A money transmitter which timely submits an application, and was operating and unregistered as of the effective date of this act shall be permitted to operate as a money transmitter until April 30, 1996, or until such earlier time as the application of such money transmitter is denied by the department or if any registration approved by the department is suspended, revoked, or surrendered.

560.123 Florida control of money laundering in the Money Transmitters Code; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(1) This section may be cited as the "Florida Control of Money Laundering in Money Transmitters Act."

(2) It is the purpose of this section to require submission to the department of certain reports and maintenance of certain records of transactions involving currency or monetary instruments when such reports and records deter the use of money transmitters to conceal the proceeds of criminal activity and have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

(a) Every money transmitter shall keep a record of each financial transaction occurring in this state known to it to involve currency or other monetary instrument, as the department prescribes by rule, of a value in excess of \$10,000, to involve the proceeds of specified unlawful activity, or to be designed to evade the reporting requirements of this section or chapter 896 and shall maintain appropriate procedures to ensure compliance with this section and chapter 896.

(b) Multiple financial transactions shall be treated as a single transaction if the money transmitter has knowledge that they are made by or on behalf of any person and result in either cash in or cash out totaling more than \$10,000 during any day.

(c) Any money transmitter may keep a record of any financial transaction occurring in this state, regardless of the value, if it suspects the transaction to involve the proceeds of specified unlawful activity.

(d) A money transmitter, or officer, employee, or agent thereof, that files a report in good faith pursuant to this section is not liable to any person for loss or damage caused in whole or in part by the making, filing, or governmental use of the report, or any information contained therein.

(3) Money transmitters shall adhere to the money laundering, enforcement, and reporting provisions of s. 655.50, relating to reports of transactions involving currency transactions and monetary instruments, and chapter 896, concerning offenses relating to financial transactions.

(4) In enforcing this section, the department shall acknowledge and take into consideration the requirements of Title 31 U.S.C., to both reduce the burden of fulfilling duplicate requirements and to acknowledge the economic advantage of having similar reporting and recordkeeping requirements between both state and federal regulatory authorities.

(5)(a) Each money transmitter shall file a report with the department of the record required by this section. Each record filed pursuant to this section must be filed at such time and contain such information as the department requires by rule.

(b) The timely filing of the report required by 31 U.S.C., s. 5313, with the appropriate federal agency is deemed compliance with the reporting requirements of this subsection unless the reports are not regularly and comprehensively transmitted by the federal agency to the department.

(6) The department shall retain a copy of all reports received under subsection (5) for a minimum of 5 calendar years after receipt of the report. However, if a report or information contained in a report is known by the department to be the subject of an existing criminal proceeding, the report shall be retained for a minimum of 10 calendar years from the date of receipt.

(7) In addition to any other powers conferred upon the department to enforce and administer the code, the department may:

(a) Bring an action in any court of competent jurisdiction to enforce or administer this section. In such action, the department may seek award of any civil penalty authorized by law and any other appropriate relief at law or equity.

(b) Issue and serve upon a person an order requiring such person to cease and desist and take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this section or chapter 896; any rule or order adopted under this section or chapter 896; or any written agreement related to this section or chapter 896 which is entered into with the department.

(c) Issue and serve upon a person an order suspending or revoking such person's money transmitter registration whenever the department finds that such person is violating, has violated, or is about to violate any provision of this section or chapter 896; any rule or order adopted under this section or chapter 896; or any written agreement related to this section or chapter 896 which is entered into with the department.

(d) Issue and serve upon any person an order of removal whenever the department finds that such person is violating, has violated, or is about to violate any provision of this section or chapter 896; any rule or order adopted under this section or chapter 896; or any written agreement related to this section or chapter 896 which is entered into with the department.

(e) Impose and collect an administrative fine against any person found to have violated any provision of this section or chapter 896; any rule or order adopted under this section or chapter 896; or any written agreement related to this section or chapter 896 which is entered into with the department, in an amount not exceeding \$10,000 a day for each willful violation or \$500 a day for each negligent violation.

(8)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section or chapter 896 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates any provision of this section or chapter 896, if the violation is:

1. Committed in furtherance of the commission of any other violation of any law of this state or committed as part of a pattern of illegal activity involving financial transactions exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Committed as part of a pattern of illegal activity involving financial transactions exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Committed as part of a pattern of illegal activity involving financial transactions exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) In addition to the penalties otherwise authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of or who has pleaded guilty or nolo contendere to having violated paragraph (b) may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the financial transaction, whichever is greater, except that on a second or subsequent conviction for or plea of guilty or nolo contendere to a violation of paragraph (b), the fine may be up to \$500,000 or quintuple the value of the financial transaction, whichever is greater.

(d) A person who willfully violates this section or chapter 896 is also liable for a civil penalty of not more than the greater of the value of the financial transaction involved or \$25,000. However, such civil penalty shall not exceed \$100,000.

560.124 Sharing of information.—

(1) It is not unlawful for any person to provide information to a money transmitter, authorized vendor, or appropriate regulator, or for any money transmitter, authorized vendor, or appropriate regulator to provide information to any person, about any other person's known or suspected involvement in a violation of any state, federal, or foreign law, rule, or regulation relating to the business of a money transmitter which has been reported to state, federal, or foreign authorities.

(2) No person shall be liable in any civil action for providing such information.

560.125 Money transmitter business by unauthorized persons.—

(1) No person other than a registered money transmitter or authorized vendor shall engage in the business of a money transmitter in this state unless such person is exempted from the registration requirements of the code.

(2) No person shall act as a vendor of a money transmitter when such money transmitter is subject to registration under the code but has not registered. Any such person becomes the principal thereof, and no longer merely acts as a vendor, and such person is liable to the holder or remitter as a principal money transmitter.

(3) Any person whose substantial interests are affected by a proceeding brought by the department pursuant to the code may, pursuant to s. 560.113, petition any court to enjoin the person or activity which is the subject of the proceeding from violating any of the provisions of this section. For the purpose of this subsection, any money transmitter registered pursuant to the code, any person residing in this state, and any person whose principal place of business is in this state are presumed to be substantially affected. In addition, the interests of a trade organization or association are deemed substantially affected if the interests of any of its members are so affected.

(4) Any person who violates the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may issue and serve upon any person who violates any of the provisions of this section a complaint seeking a cease and desist order in accordance with the procedures and in the manner prescribed by s. 560.112. The department may also impose an administrative fine pursuant to s. 560.117(2) against any person who violates any of the provisions of this section.

560.126 Significant events; notice required.—Unless exempted by the department, every money transmitter shall provide the department with a written notice within 15 days after the occurrence or knowledge of, whichever period of time is greater, any of the following events:

(1) The filing of a petition under the United States Bankruptcy Code for bankruptcy or reorganization by the money transmitter.

(2) The commencement of any registration suspension or revocation proceeding, either administrative or judicial, or the denial of any original registration request or a registration renewal, by any state, the District of Columbia, any United States territory, or any foreign country, in which the money transmitter operates or plans to operate or has registered to operate.

(3) A felony indictment relating to the money transmission business involving the money transmitter or a money transmitter-affiliated party of the money transmitter.

(4) The felony conviction, guilty plea, or plea of nolo contendere, if the court adjudicates the nolo contendere pleader guilty, or the adjudication of guilt of a money transmitter or money transmitter-affiliated party.

(5) The interruption of any corporate surety bond required by the code.

(6) Any suspected criminal act, as defined by the department by rule, perpetrated in this state against a money transmitter or authorized vendor.

However, no liability shall be incurred by any person as a result of making a good faith effort to fulfill this disclosure requirement.

560.127 Control of a money transmitter.—

(1) A person has control over a money transmitter if:

(a) The person directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 percent or more of any class of voting securities of the money transmitter; or

(b) The department determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the activities of the money transmitter.

(2) In any case in which a person or a group of persons, directly or indirectly or acting by or through one or more persons, proposes to purchase or acquire a controlling interest in a money transmitter, and thereby to change the control of that money transmitter, each person or group of persons shall provide written notice to the department.

(a) A money transmitter whose stock is traded on an organized stock exchange shall provide the department with written notice within 15 days after knowledge of such change in control.

(b) A money transmitter whose stock is not publicly traded shall provide the department with not less than 30 days prior written notice of such proposed change in control.

(3) After a review of the written notification, the department may require the money transmitter to provide additional information relating to other and former addresses and the reputation, character, responsibility, and business affiliations, of the proposed new owner or each of the proposed new owners of the money transmitter.

(a) The department may deny the person or group of persons proposing to purchase, or who have acquired control of, a money transmitter if, after investigation, the department determines the person or persons are not qualified by reputation, character, experience, or financial responsibility to control or operate the money transmitter in a legal and proper manner and that the interests of the other stockholders, if any, or the interests of the public generally may be jeopardized by the proposed change in ownership, controlling interest, or management.

(b) The department may disapprove any person who has been convicted of, or pled guilty or nolo contendere to, a violation of s. 560.123, s. 655.50, chapter 896, or any similar state, federal, or foreign law.

560.128 Consumer disclosure.—Every money transmitter and authorized vendor shall provide each consumer of a money transmitter transaction a toll free telephone number for the purpose of consumer contacts; however, in lieu of such toll free telephone number, the money transmitter or authorized vendor may provide the address and telephone number of the department.

Section 2. Part II of chapter 560, Florida Statutes, consisting of sections 560.200, 560.202, 560.203, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.212, and 560.213, is created to read:

560.200 Short title.—This part may be cited as the “Payment Instruments and Funds Transmission Act.”

560.202 Definitions.—In addition to the definitions provided in s. 560.103, for purposes of this part, unless otherwise clearly indicated by the context:

(1) “Applicant” means a person filing an application for registration under this part.

(2) “Location” means a branch of the registrant or an authorized vendor where business activity regulated by this part occurs.

(3) “Registered activity” means the activities that a registrant engages in within this state and for which registration has been issued or should be issued.

(4) “Registrant” means a person registered by the department pursuant to this part.

560.203 Exemptions.—Authorized vendors of a registrant acting within the scope of authority conferred by the registrant shall be exempt from having to register pursuant to the code but shall otherwise be subject to its provisions.

560.204 Requirement of registration.—

(1) No person shall engage for consideration, nor in any manner advertise that they engage, in the selling or issuing of payment instruments or in the activity of a funds transmitter, without first obtaining registration under the provisions of this part.

(2) A person registered pursuant to this part is permitted to engage in the activities authorized by this part. A person registered pursuant to this part may also engage in the activities authorized under part III.

560.205 Qualifications of applicant for registration; contents.—

(1) To qualify for registration under this part, an applicant must demonstrate to the department such character and general fitness as to command the confidence of the public and warrant the belief that the registered business will be operated lawfully and fairly.

(2) Each application for registration must be submitted under oath to the department on such forms as the department prescribes by rule and must be accompanied by a nonrefundable investigation fee. Such fee may not exceed \$500 and may be waived by the department for just cause. The application forms shall set forth such information as the department reasonably requires, including, but not limited to:

(a) The name and address of the applicant, including any fictitious or trade names used by the applicant in the conduct of its business.

(b) The history of the applicant’s material litigation, criminal convictions, pleas of nolo contendere, and cases of adjudication withheld.

(c) A description of the activities conducted by the applicant, the applicant’s history of operations, and the business activities in which the applicant seeks to engage in this state.

(d) A list identifying the applicant's proposed authorized vendors in this state, including the location or locations in this state at which the applicant and its authorized vendors propose to conduct registered activities.

(e) A sample authorized vendor contract, if applicable.

(f) A sample form of payment instrument, if applicable.

(g) The name and address of the clearing financial institution or financial institutions through which the applicant's payment instruments will be drawn or through which such payment instruments will be payable.

(h) Documents revealing that the net worth and bonding requirements specified in s. 560.209 have been or will be fulfilled.

(3) Each application for registration by an applicant that is a corporation shall also set forth such information as the department reasonably requires, including, but not limited to:

(a) The date of the applicant's incorporation and state of incorporation.

(b) A certificate of good standing from the state or country in which the applicant was incorporated.

(c) A description of the corporate structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded on any stock exchange.

(d) The name, business and residence address, and employment history for the past 5 years for each executive officer, controlling shareholders, and the responsible person who will be in charge of all the applicant's business activities in this state.

(e) The history of material litigation and criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each executive officer, controlling shareholder, and responsible person who will be in charge of the applicant's registered activities.

(f) Copies of the applicant's audited financial statements for the current year and, if available, for the immediately preceding 2-year period. In cases where the applicant is a wholly owned subsidiary of another corporation, the parent's consolidated audited financial statements may be submitted to satisfy this requirement. An applicant may satisfy this requirement by filing unaudited financial statements verified under penalty of perjury, as provided by the department by rule.

(g) Copies of the applicant's unconsolidated, unaudited financial statements for the current year and, if available, for the immediately preceding 2-year period.

(h) If the applicant is a publicly traded company, copies of all filings made by the applicant with the United States Securities and Exchange Commission, or with a similar regulator in a country other than the United States, within the year preceding the date of filing of the application.

(4) Each application for registration submitted to the department by an applicant that is not a corporation shall also set forth such information as the department reasonably requires, including, but not limited to:

(a) Evidence that the applicant is registered to do business in this state.

(b) The name, business and residence address, personal financial statement and employment history for the past 5 years for each individual having a controlling ownership interest in the applicant, and each responsible person who will be in charge of the applicant's registered activities.

(c) The history of material litigation and criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each individual having a controlling ownership interest in the applicant and each responsible person who will be in charge of the applicant's registered activities.

(d) Copies of the applicant's audited financial statements for the current year, and, if available, for the preceding 2 years. The applicant may satisfy this requirement by filing unaudited financial statements verified under penalty of perjury, as provided by the department by rule.

(5) Each applicant shall designate and maintain an agent in this state for service of process.

560.206 Investigation of applicants.—Upon the filing of a properly completed application, accompanied by the nonrefundable application fee and other required documents, the department shall investigate to ascertain whether the qualifications and requirements prescribed by this part have been met. If the department finds that the applicant meets such qualifications and requirements, the department shall issue the applicant a registration to engage in the business of selling payment instruments and transmitting funds in this state. Any registration issued under this part shall remain in effect through April 30 next following its date of issuance unless otherwise specified by the department or earlier surrendered, suspended, or revoked.

560.207 Renewal of registration; registration fee.—

(1) Registration may be renewed for a 24-month period or the remainder of any such period without proration following the date of its expiration, upon the filing with the department of an application and other statements and documents as may reasonably be required of registrants by the department. However, the registrant must remain qualified for such registration under the provisions of this part.

(2) All registration renewal applications shall be accompanied by a renewal fee not to exceed \$1,000, unless such fee is waived by the department. All renewal applications must be filed on or after January 1 of the year in which the existing registration expires, but before March 31. If the renewal application is filed prior to the expiration date of an existing registration, no investigation fee shall be paid in connection with such renewal application. If the renewal application is filed after the expiration date of an existing registration, then, in addition to the \$1,000 renewal fee, the renewal application shall be accompanied by a nonrefundable investigation fee pursuant to s. 560.205(2).

(3) Every registration renewal application shall also include a registration fee of \$50 for each location operating within this state or, at the option of the registrant, a total 2-year fee of \$5,000 may be paid to register all such locations operating within this state.

560.208 Conduct of business.—A registrant may conduct its business at one or more locations within this state through branches or by means of authorized vendors, as designated by the registrant.

560.209 Net worth; corporate surety bond; collateral deposit in lieu of bond.—

(1) Any person engaging in a registered activity shall have a net worth of at least \$100,000 computed according to generally accepted accounting principles. Applicants proposing to conduct registered activities at more than one location shall have an additional net worth of \$50,000 per location in this state, as applicable, to a maximum of \$500,000.

(2) Before the department may issue a registration, the applicant must provide to the department a corporate surety bond, issued by a bonding company or insurance company authorized to do business in this state.

(a) The corporate surety bond shall be in such amount as may be determined by department rule, but shall not exceed \$250,000. However, the department may consider extraordinary circumstances, such as the registrant's financial condition, the number of locations, and the existing or anticipated volume of outstanding payment instruments or funds transmitted, and require an additional amount above \$250,000, up to \$500,000.

(b) The corporate surety bond shall be in a form satisfactory to the department and shall run to the state for the benefit of any claimants in this state against the applicant or its authorized vendors to secure the faithful performance of the obligations of the applicant and its authorized vendors with respect to the receipt, handling, transmission, and payment of funds. The aggregate liability of the corporate surety bond in no event shall exceed the principal sum of the bond. Such claimants against the applicant or its authorized vendors may themselves bring suit directly on the corporate surety bond, or the Department of Legal Affairs may bring suit thereon on behalf of such claimants, in either one action or in successive actions.

(c) A corporate surety bond filed with the department for purposes of compliance with this section may not be canceled either by the registrant or the corporate surety except upon written notice to the department by registered or certified mail with return receipt requested. A cancellation shall not take effect less than 30 days after receipt by the department of such written notice.

(d) The corporate surety must, within 10 days after it pays any claim to any claimant, give written notice to the department by registered or certified mail of such payment with details sufficient to identify the claimant and the claim or judgment so paid.

(e) Whenever the principal sum of such bond is reduced by one or more recoveries or payments, the registrant must furnish a new or additional bond so that the total or aggregate principal sum of such bond equals the sum required by the department. Alternatively, a registrant may furnish an endorsement executed by the corporate surety reinstating the bond to the required principal sum thereof.

(3) In lieu of such corporate surety bond, or of any portion of the principal thereof required by this section, the applicant may deposit collateral cash, securities, or alternative security devices approved by the department, with any federally insured financial institution.

(a) Acceptable collateral deposit items in lieu of a bond include cash and interest-bearing stocks and bonds, notes, debentures, or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States, or of this state.

(b) The collateral deposit must be in an aggregate amount, based upon principal amount or market value, whichever is lower, of not less than the amount of the required corporate surety bond or portion thereof.

(c) Collateral deposits made under this subsection shall be pledged to the department and held by the insured financial institution to secure the same obligations as would the corporate surety bond, but the depositor is entitled to receive all interest and dividends thereon and may, with the approval of the department, substitute other securities or deposits for those deposited. The principal amount of the deposit shall be released only on written authorization of the department or on the order of a court of competent jurisdiction.

(4) A registrant must at all times have and maintain the bond or collateral deposit in the amount prescribed by the department. If the department at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the department may, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.

(5) The bond and collateral deposit shall remain in place for 5 years after the registrant ceases registered operations in this state. The department may permit the bond or collateral deposit to be reduced or eliminated prior to that time to the extent that the amount of the registrant's outstanding payment instruments or funds transmitted in this state are reduced. The department may also permit a registrant to substitute a letter of credit or such other form of acceptable security for the bond or collateral deposit at the time the registrant ceases money transmission operations in this state.

(6) The department may waive or reduce a registrant's net worth or bond or collateral deposit requirement. Such waiver or modification must be requested by the applicant or registrant, and may be granted upon a showing by the applicant or registrant to the satisfaction of the department that:

(a) The existing net worth, bond, or collateral deposit requirement is sufficiently in excess of the registrant's highest potential level of outstanding payment instruments or money transmissions in this state;

(b) The direct and indirect cost of meeting the net worth, bond, or collateral deposit requirement will restrict the ability of the money transmitter to effectively serve the needs of its customers and the public; or

(c) The direct and indirect cost of meeting the net worth, bond, or collateral requirement will not only have a negative impact on the money transmitter but will severely hinder the ability of the money transmitter to participate in and promote the economic progress and welfare of this state or the United States.

560.210 Permissible investments.—

(1) A registrant shall at all times possess permissible investments with an aggregate market value calculated in accordance with generally accepted accounting principles of not less than the aggregate face amount of all funds transmitted and outstanding payment instruments issued or sold by the registrant or an authorized vendor in the United States.

(2) Acceptable permissible investments include:

- (a) Cash.
 - (b) Certificates of deposit or other deposit liabilities of a financial institution, either domestic or foreign.
 - (c) Bankers' acceptances eligible for purchase by member banks of the Federal Reserve System.
 - (d) An investment bearing a rating of one of the three highest grades as defined by a nationally recognized rating service of such securities.
 - (e) Investment securities that are obligations of the United States, its agencies or instrumentalities, or obligations that are guaranteed fully as to principal and interest by the United States, or any obligations of any state or municipality, or any political subdivision thereof.
 - (f) Shares in a money market mutual fund.
 - (g) A demand borrowing agreement or agreements made to a corporation or a subsidiary of a corporation whose capital stock is listed on a national exchange.
 - (h) Receivables that are due to a registrant from the registrant's authorized vendors except those that are more than 30 days past due or are doubtful of collection.
 - (i) Any other investment approved by the department.
- (3) Notwithstanding any other provision of this part, the department, with respect to any particular registrant or all registrants, may limit the extent to which any class of permissible investments may be considered a permissible investment, except for cash and certificates of deposit.
- (4) The department may waive the permissible investments requirement if the dollar value of a registrant's outstanding payment instruments and funds transmitted do not exceed the bond or collateral deposit posted by the registrant under s. 560.209.

560.211 Records.—

- (1) Each registrant shall make, keep, and preserve the following books, accounts, and other records for a period of 3 years:
- (a) A daily record or records of payment instruments sold and funds transmitted.
 - (b) A general ledger containing all asset, liability, capital, income, and expense accounts, which general ledger shall be posted at least monthly.
 - (c) Settlement sheets received from authorized vendors.
 - (d) Financial institution statements and reconciliation records.
 - (e) Records of outstanding payment instruments and funds transmitted.
 - (f) Records of each payment instrument paid and funds transmission delivered within the 3-year period.
 - (g) A list of the names and addresses of all of the registrant's authorized vendors, as well as copies of each authorized vendor contract.

(2) The records required to be maintained by the code may be maintained by the registrant at any location, provided that the registrant notifies the department in writing of the location of the records in its application or otherwise. The registrant shall make such records available to the department for examination and investigation in this state, as permitted by the code, within 7 days after receipt of a written request.

(3) Registrants and authorized vendors need not preserve or retain any of the records required by this section or copies thereof for a period longer than 3 years unless a longer period is expressly required by the laws of this state or federal law. A registrant or authorized vendor may destroy any of its records or copies thereof after the expiration of the retention period required by this section.

(4) The original of any record of a registrant or authorized vendor includes the data or other information comprising a record stored or transmitted in or by means of any electronic, computerized, mechanized, or other information storage or retrieval or transmission system or device which can upon request generate, regenerate, or transmit the precise data or other information comprising the record; and an original also includes the visible data or other information so generated, regenerated, or transmitted if it is legible or can be made legible by enlargement or other process.

560.212 Financial liability.—Each registrant under this part is liable for the payment of all funds transmitted and payment instruments which it sells, in whatever form and whether directly or through an authorized vendor, as the maker, drawer, or principal thereof, regardless of whether such item is negotiable or non-negotiable.

560.213 Payment instrument information.—Each payment instrument sold or issued by a registrant, directly or through an authorized vendor, shall bear the name of the registrant clearly imprinted thereon.

Section 3, Part III of chapter 560, Florida Statutes, consisting of sections 560.301, 560.302, 560.303, 560.304, 560.305, 560.306, 560.307, 560.308, 560.309, and 560.310, is created to read:

560.301 Short Title.—This part may be cited as the “Check Cashing and Foreign Currency Exchange Act.”

560.302 Definitions.—In addition to the definitions provided in s. 560.103, unless otherwise clearly indicated by the context, for purposes of this part:

(1) “Cashing” means providing currency for payment instruments, except for travelers checks and foreign-drawn payment instruments.

(2) “Registrant” means a person authorized by the department pursuant to this part.

560.303 Requirement of registration.—

(1) No person shall engage in, or in any manner advertise engagement in, the business of cashing payment instruments or the exchanging of foreign currency without first registering under the provisions of this part.

(2) A person registered pursuant to this part may engage in the activities authorized by this part. A person registered under this part is prohibited from engaging directly in the activities which are authorized under a registration issued

pursuant to part II but such person is not prohibited from engaging in an authorized vendor relationship with a person registered under part II.

(3) A person exempt from registration pursuant to this part engaging in the business of cashing payment instruments or the exchanging of foreign currency shall not charge fees in excess of those provided in s. 560.309.

560.304 Exceptions to registration.—The provisions of this part do not apply to:

(1) Authorized vendors of any person registered pursuant to the provisions of the code, acting within the scope of authority conferred by the registrant.

(2) Persons engaged in the cashing of payment instruments or the exchanging of foreign currency which is incidental to the retail sale of goods or services whose compensation for cashing payment instruments or exchanging foreign currency at each site does not exceed 5 percent of the total gross income from the retail sale of goods or services by such person during its most recently completed fiscal year.

560.305 Application.—Each application for registration shall be in writing and under oath to the department, in such form as the department may prescribe. The application shall include the following:

(1) The legal name and residence and business addresses of the applicant if the applicant is a natural person, or, if the applicant is a partnership, association, or corporation, the name of every partner, officer, or director thereof.

(2) The location of the principal office of the applicant.

(3) The complete address of any other locations at which the applicant proposes to engage in such activities since the provisions of registration apply to each and every operating location of a registrant.

(4) Such other information as the department may reasonably require with respect to the applicant or any money transmitter-affiliated party of the applicant; however, the department may not require more information than is specified in part II.

560.306 Standards.—

(1) The department may deny registration if it finds that the applicant, or any money transmitter-affiliated party of the applicant, has been convicted of a felony involving moral turpitude in any jurisdiction or of a crime which, if committed in this state, would constitute a felony involving moral turpitude under the laws of this state. For the purposes of this part, a person shall be deemed to have been convicted of a crime if such person has either pleaded guilty to or been found guilty of a charge before a court or federal magistrate, or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof. The department may take into consideration the fact that such plea of guilty, or such decision, judgment, or verdict, has been set aside, reversed, or otherwise abrogated by lawful judicial process or that the person convicted of the crime received a pardon from the jurisdiction where the conviction was entered or received a certificate pursuant to any provision of law which removes the disability under this part because of such conviction.

(2) The department may deny an initial application for registration if the applicant or money transmitter-affiliated party of the applicant is the subject of a

pending criminal prosecution or governmental enforcement action, in any jurisdiction, until the conclusion of such criminal prosecution or enforcement action.

(3) Each registration application and renewal application shall specify the location for which the applicant proposes to establish its principal place of business and any other location, including authorized vendors operating in this state. The registrant shall notify the department of any changes to all such locations. Any registrant may satisfy this requirement by providing the department with a list of such locations, including all authorized vendors operating in this state, not less than annually. A registrant may not transact business as a check casher or a foreign currency exchanger except pursuant to the name under which it is registered.

(4) Each applicant shall designate and maintain an agent in this state for service of process.

560.307 Fees.—The application shall be filed together with a nonrefundable investigation fee which shall be established by department rule; however, the investigation fee shall not exceed \$250. Such investigation fee shall satisfy the fee requirement for the first year of registration or the remaining part thereof.

560.308 Registration terms; renewal; renewal fees.—

(1) Registration pursuant to this part shall remain effective through the remainder of the second calendar year following its date of issuance unless during such calendar year the registration is surrendered, suspended, or revoked.

(2) The department shall renew registration upon receipt of a completed renewal form and payment of a nonrefundable renewal fee, as provided by rule, not to exceed \$500. The completed renewal form and payment of the renewal fee shall occur on or after June 1 of the year in which the existing registration expires.

(3) In addition to the renewal fee required by subsection (2), each registrant must register and pay a \$50 registration fee for each location, including any authorized vendors, operating within this state or, at the option of the registrant, a total 2-year fee of \$5,000 may be paid to register all such operating locations within this state.

(4) Registration that is not renewed on or before the expiration date of the registration period automatically expires. A renewal application and fee, and an investigation fee pursuant to s. 560.307, must be filed before registration may be reinstated.

560.309 Rules.—

(1) Before a registrant shall deposit, with any financial institution, a payment instrument which is cashed by a registrant, each such item must be endorsed with the actual name under which such registrant is doing business.

(2) Registrants shall comply with all the laws of this state and any federal laws relating to money laundering, including, as applicable, the provisions of s. 560.123.

(3) The department may by rule require every check casher to display its registration and post a notice containing its charges for cashing payment instruments.

(4) Exclusive of the direct costs of verification which shall be established by department rule, no check casher shall:

(a) Charge fees, except as otherwise provided by this part, in excess of 5 percent of the face amount of the payment instrument, or 6 percent without the provision of identification, or \$5, whichever is greater;

(b) Charge fees in excess of 3 percent of the face amount of the payment instrument, or 4 percent without the provision of identification, or \$5, whichever is greater, if such payment instrument is the payment of any kind of state public assistance or federal social security benefit payable to the bearer of such payment instrument; or

(c) Charge fees for personal checks or money orders in excess of 10 percent of the face amount of those payment instruments, or \$5, whichever is greater.

(d) As used in this subsection, "identification" means, and is limited to, an unexpired and otherwise valid driver license, a state identification card issued by any state of the United States or its territories or the District of Columbia, and showing a photograph and signature, a U.S. Government Resident Alien Identification Card, a U.S. Passport, or a U.S. Military identification card.

560.310 Records of check cashers and foreign currency exchangers.—

(1) Each registrant shall maintain all books, accounts, records, and documents necessary to determine the registrant's compliance with the provisions of the code. Such books, accounts, records, and documents shall be retained for a period of at least 3 years.

(2) The records required to be maintained by the code may be maintained by the registrant at any location, provided that the registrant notifies the department, in writing, of the location of the records in its application or otherwise. The registrant shall make such records available to the department for examination and investigation in this state, as permitted by the code, within 7 days after receipt of a written request.

(3) Registrants and authorized vendors need not preserve or retain any of the records required by this section or copies thereof for a period longer than 3 years unless a longer period is expressly required by the laws of this state or any federal law. A registrant or authorized vendor may destroy any of its records or copies thereof after the expiration of the retention period required by this section.

(4) The original of any record of a registrant or authorized vendor includes the data or other information comprising a record stored or transmitted in or by means of any electronic, computerized, mechanized, or other information storage or retrieval or transmission system or device which can upon request generate, regenerate, or transmit the precise data or other information comprising the record; and an original also includes the visible data or other information so generated, regenerated, or transmitted if it is legible or can be made legible by enlargement or other process.

Section 4. Paragraph (j) of subsection (2) of Section 658.295 is amended to read:

658.295 Regional reciprocal banking.—

(j) The term "region" means the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia and the District of Columbia.

Section 5. There is hereby appropriated for fiscal year 1994-1995 from the Financial Institutions' Regulatory Trust Fund to the Department of Banking and Finance 7 FTE positions and \$433,681 in salaries, benefits, expenses, and operating capital outlay.

Section 6. Sections 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.131, 560.133, 560.151, 560.16, and 560.17, Florida Statutes, and sections 560.135 and 560.201, Florida Statutes, as amended by chapter 92-82, Laws of Florida, are hereby repealed.

Section 7. This act shall take effect July 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-355

House Bill No. 2817

An act relating to drycleaning contamination cleanup; amending s. 287.0595, F.S.; correcting references; amending s. 376.30, F.S.; providing legislative intent with respect to certain restoration or replacement of potable waters; amending s. 376.301, F.S.; providing definitions relating to drycleaning facilities, wholesale suppliers, and solvents; amending s. 376.302, F.S., relating to prohibitions and penalties; amending s. 376.303, F.S.; directing the Department of Environmental Protection to establish a registration program for drycleaning facilities and wholesale suppliers; directing the department to provide registration information to the Department of Revenue; specifying annual registration fees; creating s. 376.3078, F.S.; providing for deposit of specified funds into the Water Quality Assurance Trust Fund to be used for drycleaning facility or wholesale supply site restoration; providing legislative findings; providing sources of funds; specifying use of funds, to include investigation, rehabilitation, and monitoring of sites contaminated with drycleaning solvents; providing liability for rehabilitation, under specified circumstances; providing exemptions; authorizing the department to enter into certain contracts; providing for prioritization of sites and rehabilitation criteria; providing for funding; directing the department to pursue recovery or reimbursement of rehabilitation expenditures; creating s. 376.3079, F.S.; providing for third-party liability insurance coverage for certain owners of drycleaning facilities and wholesale suppliers; providing for eligibility; amending s. 376.308, F.S.; conforming provisions relating to liabilities and defenses of facilities; amending 376.311, F.S.; conforming penalty provisions; amending s. 376.313, F.S.; conforming provisions relating to nonexclusiveness of remedies and individual cause of action for damages; specifying conditions for certain civil actions against an owner or operator of a drycleaning facility or wholesale supplier; creating s. 376.70, F.S.; providing an annual tax on the gross receipts of drycleaning facilities; creating s. 376.75, F.S.; providing a tax on the production or importation of perchloroethylene; requiring

registration; providing penalties; providing for deposit and use of funds; providing for administration, collection, and enforcement of taxes by the Department of Revenue; providing for emergency rules; amending s. 403.725, F.S., providing for deposit of taxes and fees into the Hazardous Waste Management Trust Fund; providing appropriations and authorizing positions; providing an effective date.

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

Section 1. Subsection (1) of section 287.0595, Florida Statutes, is amended to read:

287.0595 Pollution response action contracts; department rules.—

(1) The Department of Environmental ~~Protection Regulation~~ shall establish, through the promulgation of administrative rules as provided in chapter 120:

(a) Procedures for determining the qualifications of responsible potential bidders prior to advertisement for and receipt of bids for pollution response action contracts, including procedures for the rejection of unqualified bidders. Response actions are those activities described in s. 376.301(23) (20) and those actions carried out pursuant to s. 403.165.

(b) Procedures for awarding such contracts to the lowest qualified bidder as well as procedures to be followed in cases in which the department declares a valid emergency to exist which would necessitate the waiver of the rules governing the awarding of such contracts to the lowest qualified bidder.

(c) Procedures governing payment of contracts.

(d) Procedures to govern negotiations for contracts, modifications to contract documents, and terms and conditions of contracts.

Section 2. Subsection (3) of section 376.30, Florida Statutes, is amended to read:

376.30 Legislative intent with respect to pollution of surface and ground waters.—

(3) The Legislature intends by the enactment of ss. 376.30-376.319 to exercise the police power of the state by conferring upon the Department of Environmental ~~Protection Regulation~~ the power to:

(a) Deal with the environmental and health hazards and threats of danger and damage posed by such storage, transportation, disposal, and related activities;

(b) Require the prompt containment and removal of products occasioned thereby; and

(c) Establish a program which will enable the department to:

1. Provide for expeditious restoration or replacement of potable water systems or potable private wells of affected persons where health hazards exist due to contamination from pollutants (which may include provision of bottled water on a temporary basis, after which a more stable and convenient source of potable water shall be provided) and hazardous substances, subject to the following conditions:

a. For the purposes of this subparagraph, the term "restoration" means restoration of a contaminated potable water supply to a level which meets applicable water quality standards or applicable water quality criteria, as adopted by rule, for the contaminant or contaminants present in the water supply, or, where no such standards or criteria have been adopted, to a level which is determined to be a safe, potable level by the State Health Officer in the Department of Health and Rehabilitative Services, through the installation of a filtration system and provision of replacement filters as necessary or through employment of repairs or another treatment method or methods designed to remove or filter out contamination from the water supply; and the term "replacement" means replacement of a well or well field or connection to an alternative source of safe, potable water.

b. For the purposes of the Inland Protection Trust Fund and the drycleaning facility restoration funds in the Hazardous Waste Management Trust Fund as provided in s. 376.3078, such restoration or replacement shall take precedence over other uses of the unobligated moneys within the fund.

c. Funding for activities described in this subparagraph shall not exceed \$10 million for any one county for any one year, other than for the provision of bottled water.

d. Funding for activities described in this subparagraph shall not be available to fund any increase in the capacity of a potable water system or potable private well over the capacity which existed prior to such restoration or replacement, unless such increase is the result of the use of a more cost-effective alternative than other alternatives available.

2. Provide for the inspection and supervision of activities described in this subsection; and

3. Guarantee the prompt payment of reasonable costs resulting therefrom, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other services to the department in the investigation of drinking water contamination complaints.

Section 3. Present subsections (5) and (23) of section 376.301, Florida Statutes, are amended, present subsections (7) through (23) are renumbered as subsections (11) through (27), respectively, and new subsections (7), (8), (9), and (10) are added to that section, to read:

376.301 Definitions of terms used in ss. 376.30-376.319, 376.70 and 376.75.— When used in ss. 376.30-376.319, 376.70 and 376.75, unless the context clearly requires otherwise, the term:

(5) "Department" means the Department of Environmental Protection Regulation.

(7) "Drycleaning facility" means a commercial establishment that operates or has at some time in the past operated in whole or in part for the purpose of cleaning clothing and other fabrics utilizing a process that involves any use of drycleaning solvents. The term "drycleaning facility" includes laundry facilities that use solvents as part of their cleaning process, uniform rental companies and linen supply companies.

(8) “Drycleaning solvents” means any and all nonaqueous solvents used in the cleaning of clothing and other fabrics and includes perchloroethylene (also known as tetrachloroethylene) and petroleum-based solvents, and their breakdown products. For purposes of this definition, “drycleaning solvents” only includes those drycleaning solvents originating from use at a drycleaning facility or by a wholesale supplier.

(9) “Dry drop-off facility” means any commercial retail store that receives from customers clothing and other fabrics for drycleaning or laundering at an offsite drycleaning facility and that does not clean the clothing or fabrics at the store utilizing drycleaning solvents.

(10) “Wholesale supplier” means a facility that supplies to commercial drycleaning establishments drycleaning solvents and other supplies necessary to the operation of such commercial drycleaning establishments.

(27)(28) “Storage system” means a stationary tank not covered under the provisions of chapter 377, together with any onsite integral piping or dispensing system associated therewith, which is or has been used for the storage or supply of any petroleum product, pollutant, or hazardous substance as defined herein, and which is registered with the Department of Environmental Protection Regulation under this chapter or any rule adopted pursuant hereto.

Section 4. Section 376.302, Florida Statutes, is amended to read:

376.302 Prohibited acts; penalties.—

(1) It shall be a violation of this chapter and it shall be prohibited for any reason:

(a) To discharge pollutants or hazardous substances into or upon the surface or ground waters of the state or lands, which discharge violates any departmental “standard” as defined in s. 403.803(13).

(b) To fail to obtain any permit or registration required by this ~~chapter part~~ or by rule, or to violate or fail to comply with any statute, rule, order, permit, registration, or certification adopted or issued by the department pursuant to its lawful authority.

(c) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this ~~chapter part~~, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this ~~chapter part~~ or by any permit, registration, rule, or order issued under this ~~chapter part~~.

(2) Except as provided in s. 376.311, any person who commits a violation specified in subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) Any person who willfully commits a violation specified in paragraph (1)(a) or paragraph (1)(b) shall be guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not less than \$2,500 or more than \$25,000, or punishable by 1 year in jail, or by both for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.

(4) Any person who commits a violation specified in paragraph (1)(c) shall be guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not more than \$10,000, or by 6 months in jail, or by both for each offense.

(5) It is the legislative intent that the civil penalties and criminal fines imposed by the court be of such amount as to ensure immediate and continued compliance with this act.

Section 5. Paragraph (d) of subsection (3) of section 376.303, Florida Statutes, is amended, paragraphs (d) through (i) of subsection (1) are redesignated as paragraphs (e) through (j), respectively, and a new paragraph (d) is added to subsection (1) of that section, to read:

376.303 Powers and duties of the Department of Environmental Protection Regulation.—

(1) The department has the power and the duty to:

(d) Establish a registration program for drycleaning facilities and wholesale suppliers.

1. Owners or operators of drycleaning facilities and wholesale suppliers shall register each facility owned and in operation with the department by June 30, 1995, pay initial registration fees by December 31, 1995, and pay annual renewal registration fees by December 31, 1996, and each year thereafter, in accordance with this subsection. Prior to the adoption of rules regulating the registration of drycleaning facilities and wholesale suppliers, the department shall establish reasonable interim requirements for the registration of such facilities. The department shall identify and notify drycleaning facilities and wholesale suppliers of the registration requirements by certified mail, return receipt requested. The department shall provide to the Department of Revenue a copy of each applicant's registration materials, within 30 working days of the receipt of the materials. This copy may be in such electronic format as the two agencies mutually designate.

2.a. Owners of drycleaning facilities and wholesale suppliers shall submit to the department an initial and an annual renewal registration fee for each drycleaning facility or wholesale supplier owned and in operation. The fee shall be paid within 30 days after receipt of billing by the department.

b.(I) For drycleaning facilities and wholesale suppliers whose annual gross receipts for the preceding calendar year were less than \$350,000, the registration fee shall be \$100.

(II) For drycleaning facilities and wholesale suppliers whose annual gross receipts for the preceding calendar year were \$350,000 or more but less than \$600,000, the registration fee shall be \$250.

(III) For drycleaning facilities and wholesale suppliers whose annual gross receipts for the preceding calendar year were \$600,000 or more, the registration fee shall be \$500.

For purposes of this sub-subparagraph, gross receipts for drycleaning facilities shall include all charges imposed at the drycleaning facility and associated dry drop-off facilities owned by the owner of the drycleaning facility, but shall not in-

clude receipts from sales for resale between drycleaning facilities or associated dry drop-off facilities. Gross receipts for wholesale suppliers shall include all receipts from sales to commercial drycleaning establishments, but shall not include receipts from sales for resale between wholesale suppliers.

c. Revenues derived from registration and renewal fees shall be deposited into the Hazardous Waste Management Trust Fund to be used as provided in s. 376.3078.

(3)

(d) No new or replaced tanks at bulk product facilities may be put into service or filled with pollutants until the facility has been inspected by the department and determined to be in compliance with department rules adopted pursuant to this chapter. During routine compliance inspections, the department will verify that a facility has been issued a current spill prevention and response certificate from the Department of Environmental Protection Natural Resources.

Section 6. Section 376.3078, Florida Statutes, is created to read:

376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.—

(1) FINDINGS.—In addition to the legislative findings set forth in s. 376.30, the Legislature finds and declares that:

(a) Significant quantities of drycleaning solvents have been discharged in the past at drycleaning facilities as part of the normal operation of these facilities.

(b) Discharges of drycleaning solvents at such drycleaning facilities have occurred and are occurring, and pose a significant threat to the quality of the ground waters and inland surface waters of this state.

(c) Where contamination of the ground water or surface water has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made, and such delays result in the continuation and intensification of the threat to the public health, safety, and welfare; in greater damage to the environment; and in significantly higher costs to contain and remove the contamination.

(d) Adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected persons and to provide a means for investigation and rehabilitation of contaminated sites without delay.

(2) FUNDS; USES.—

(a) All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the implementation of this section and the tax revenues levied, collected, and credited pursuant to ss. 376.70 and 376.75, and registration fees collected pursuant to s. 376.303(1)(d), shall be deposited into the Hazardous Waste Management Trust Fund, to be used upon appropriation as provided in this section. Charges against the funds for drycleaning facility or wholesale supply site rehabilitation shall be made in accordance with the provisions of this section.

(b) Whenever, in its determination, incidents of contamination by drycleaning solvents related to the operation of drycleaning facilities and wholesale suppliers

may pose a threat to the environment or the public health, safety, or welfare, the department shall obligate moneys available pursuant to this section to provide for:

1. Prompt investigation and assessment of the contaminated drycleaning facility or wholesale supplier sites.

2. Expeditious treatment, restoration, or replacement of potable water supplies as provided in s. 376.30(3)(c)1.

3. Rehabilitation of contaminated drycleaning facility or wholesale supplier sites, which shall consist of rehabilitation of affected soil, ground water, and surface waters, using the most cost-effective alternative that is technologically feasible and reliable and that provides adequate protection of the public health, safety, and welfare and minimizes environmental damage, in accordance with the site selection and rehabilitation criteria established by the department under subsection (4), except that nothing in this subsection shall be construed to authorize the department to obligate drycleaning facility restoration funds for payment of costs that may be associated with, but are not integral to, drycleaning facility or wholesale supplier site rehabilitation.

4. Maintenance and monitoring of contaminated drycleaning facility or wholesale supplier sites.

5. Inspection and supervision of activities described in this subsection.

6. Payment of expenses incurred by the department in its efforts to obtain from responsible parties the payment or recovery of reasonable costs resulting from the activities described in this subsection.

7. Payment of any other reasonable costs of administration, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other assistance to the department in the investigation of drinking water contamination complaints and costs associated with public information and education activities.

8. Reasonable costs of restoring property as nearly as practicable to the conditions that existed prior to activities associated with contamination assessment or remedial action.

(c) Drycleaning facility restoration funds may not be used to:

1. Restore sites that are contaminated by solvents normally used in drycleaning operations where the contamination at such sites did not result from the operation of a drycleaning facility or wholesale supplier.

2. Restore sites that are contaminated by dry cleaning solvents being transported to or from a dry cleaning facility or wholesale supplier.

3. Fund any costs related to the restoration of any site that has been identified by the United States Environmental Protection Agency to be, or which qualifies as, a Superfund site, or any site that is required to obtain a permit pursuant to the Resource Conservation and Recovery Act as amended.

4. Pay any costs associated with any fine, penalty, or action brought against a drycleaning facility owner or operator or wholesale supplier under state or federal law.

(3) REHABILITATION LIABILITY.—In accordance with the eligibility provisions of this section, no person who owns or operates, or who otherwise could be liable as a result of the operation of, a drycleaning facility, and no wholesale supplier, shall be subject to administrative or judicial action brought by or on behalf of any state or local government or any person to compel rehabilitation or pay for the costs of rehabilitation of environmental contamination resulting from the discharge of drycleaning solvents. Subject to the delays that may occur as a result of the prioritization of sites under paragraph (4)(a) for any qualified site, costs for activities described in paragraph (2)(b) shall be absorbed at the expense of the drycleaning facility restoration funds, without recourse to reimbursement or recovery from the owner or operator of the drycleaning facility or the wholesale supplier.

(a) With regard to drycleaning facilities or wholesale suppliers that are being operated as drycleaning facilities or wholesale suppliers at the time the department adopts rules regulating the operation and maintenance of drycleaning facilities or wholesale suppliers, any contamination by drycleaning solvents at such facilities shall be eligible under this subsection regardless of when the drycleaning contamination was discovered, provided that the drycleaning facility or the wholesale supplier:

1. Has registered with the department;
2. Is determined by the department to be in compliance with the department's rules regulating drycleaning facilities or wholesale suppliers, within a reasonable period of time after such rules are adopted;
3. Has not been operated in a grossly negligent manner;
4. Has third-party liability insurance or otherwise meets applicable financial responsibility requirements;

and provided that the owner or operator of the drycleaning facility or the wholesale supplier has not willfully concealed the discharge of drycleaning solvents and, where appropriate, has remitted all taxes due pursuant to ss. 376.70 and 376.75.

(b) With regard to drycleaning facilities or wholesale suppliers that cease to be operated as drycleaning facilities or wholesale suppliers prior to the time the department adopts rules regulating the operation and maintenance of drycleaning facilities or wholesale suppliers, such facilities shall be eligible under this subsection regardless of when the contamination was discovered, provided that the drycleaning facility or wholesale supplier:

1. Was operated in a manner consistent with established drycleaning industry standards and state or federal laws or regulations in effect at the time of operation; and
2. Is not determined by the department to have been operated in a grossly negligent manner;

and provided that the owner or operator of the drycleaning facility or the wholesale supplier has not willfully concealed the discharge of drycleaning solvents and, where appropriate, has remitted all taxes due pursuant to ss. 376.70 and 376.75.

(c) For purposes of this subsection, the willful concealment of a discharge of drycleaning solvents, or a willful violation of state or federal law or regulation regu-

lating the operation of drycleaning facilities or wholesale suppliers, or a willful violation of any drycleaning industry standard that existed prior to the adoption of state or federal laws or regulations regulating the operation of drycleaning facilities or wholesale suppliers, shall be construed to be gross negligence in the operation of a drycleaning facility or wholesale supplier.

(d)1. With respect to eligible drycleaning solvent contamination reported to the department by June 30, 1997, the costs of activities described in paragraph (2)(b) shall be absorbed at the expense of the drycleaning facility restoration funds, less a \$1,000 deductible per incident, which shall be paid by the owner or operator of the drycleaning facility or the wholesale supplier.

2. For contamination reported to the department from July 1, 1997, through June 30, 2001, the costs shall be absorbed at the expense of the drycleaning facility restoration funds, less a \$5,000 deductible per incident.

3. For contamination reported to the department from July 1, 2001, through December 31, 2005, the costs shall be absorbed at the expense of the drycleaning facility restoration funds, less a \$10,000 deductible per incident.

4. For contamination reported after December 31, 2005, no costs will be absorbed at the expense of the drycleaning facility restoration funds.

(e) The provisions of this subsection shall not apply to any site where the department has been denied site access to implement the provisions of this section.

(f) In order to identify those drycleaning facilities and wholesale suppliers that have experienced contamination resulting from the discharge of drycleaning solvents and to ensure the most expedient rehabilitation of such sites, the owners and operators of drycleaning facilities and wholesale suppliers are encouraged to detect and report contamination from drycleaning solvents related to the operation of drycleaning facilities and wholesale suppliers. The department shall establish reasonable guidelines for the written reporting of drycleaning contamination and shall distribute forms to registrants under s. 376.303(1)(d), and to other interested parties upon request, to be used for such purpose.

(g) A report of drycleaning solvent contamination at a drycleaning facility or wholesale supplier made to the department by any person in accordance with this subsection, or any rules promulgated pursuant hereto, may not be used directly as evidence of liability for such discharge in any civil or criminal trial arising out of the discharge.

(h) The provisions of this subsection shall not apply to drycleaning facilities owned or operated by the state or Federal Government.

(i) Due to the value of Florida's potable water, it is the intent of the Legislature that the department initiate and facilitate as many cleanups as possible utilizing the resources of the state, local governments, and the private sector. The department is authorized to adopt necessary rules and enter into contracts to carry out the intent of this subsection.

(j) It is not the intent of the Legislature that the state become the owner or operator of a drycleaning facility or wholesale supplier by engaging in state-conducted cleanup.

(4) SITE SELECTION AND REHABILITATION CRITERIA.—It is the intent of the Legislature that drycleaning facility restoration funds in the Hazardous Waste Management Trust Fund be used to fund the rehabilitation of sites that pose a significant threat to the public health, safety, or welfare.

(a) The department shall adopt rules to establish priorities for state-conducted rehabilitation at contaminated drycleaning facility or wholesale supplier sites based upon factors that include, but need not be limited to:

1. The degree to which human health, safety, or welfare may be affected by exposure to the contamination.
2. The size of the population or area affected by the contamination.
3. The present and future uses of the affected aquifer or surface waters, with particular consideration as to the probability that the contamination is substantially affecting, or will migrate to and substantially affect, a known public or private source of potable water.
4. The effect of the contamination on the environment.

Dry cleaning facility restoration funds shall then be obligated for activities described in paragraph (2)(b) at individual sites in accordance with the criteria established in this subsection. However, nothing in this paragraph shall be construed to restrict the department from modifying the priority status of a drycleaning facility or wholesale supplier rehabilitation site where conditions warrant.

(b) The department shall establish criteria by rule for the purpose of determining, on a case-by-case basis, the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. Criteria for determining completion of site rehabilitation program tasks and site rehabilitation programs shall be based upon the factors set forth in paragraph (a) and the following additional factors:

1. Individual site characteristics, including natural rehabilitation processes.
2. Applicable state water-quality standards.
3. Whether deviation from state water-quality standards or from established criteria is appropriate, based upon the degree to which the desired rehabilitation level is achievable and can be reasonably and cost-effectively implemented within available technologies or control strategies; except that, where a state water-quality standard is applicable, such deviation may not result in the application of standards more stringent than said standard.

(c) It is recognized that restoration of groundwater resources contaminated with certain drycleaning solvents, such as perchloroethylene, may not be achievable using currently available technology. In situations where the use of available technology is not anticipated to achieve water-quality standards, the department, at its discretion, may use innovative technology that has been field-tested through a federal innovative technology program and that has engineering and cost data available.

(d) Nothing in this subsection shall be construed to restrict the department from temporarily postponing completion of any site rehabilitation program for

which drycleaning facility restoration funds are being expended whenever such postponement is deemed necessary in order to make funds available for rehabilitation of a drycleaning facility or wholesale supplier contamination site with a higher priority status.

(5) DEPARTMENTAL DUTY TO SEEK RECOVERY AND REIMBURSEMENT.—

(a) Except as provided in subsection (3) and as otherwise provided by law, the department shall recover from any person causing or having caused the discharge of drycleaning solvents in relation to the operation of a drycleaning facility or wholesale supplier, jointly and severally, all sums owed or expended from drycleaning facility restoration funds, pursuant to s. 376.308, except that the department may decline to pursue such recovery if it finds the amount involved to be too small or the likelihood of recovery too uncertain.

(b) Except as provided in subsection (3) and as otherwise provided by law, it is the duty of the department in administering the drycleaning facility restoration funds to diligently pursue the reimbursement to the Hazardous Waste Management Trust Fund of any sum expended from the fund for rehabilitation in accordance with the provisions of this section, unless the department finds the amount involved to be too small or the likelihood of recovery too uncertain. For the purposes of s. 95.11, the limitation period within which to institute an action to recover such sums shall commence on the last date on which any such sums were expended, and not the date that the discharge occurred.

Section 7. Section 376.3079, Florida Statutes, is created to read:

376.3079 Third-party liability insurance.—

(1) It is the intent of the Legislature that if necessary the department assist owners of drycleaning facilities and wholesale suppliers in obtaining third-party liability insurance coverage if such facilities or suppliers are regulated by and in compliance with the department's rules relating to drycleaning facilities and wholesale suppliers. In order to assist drycleaning facilities and wholesale suppliers in obtaining such insurance coverage, the department may contract with an insurance company, a reinsurance company, or other insurance consultant to issue third-party liability policies. If such third-party insurance is not available, the department shall not provide such insurance from state funds.

(2)(a) Any owner or operator of a drycleaning facility or wholesale supplier may be eligible for third-party liability insurance coverage if the facility is registered with the department pursuant to s. 376.303(1)(d) and is otherwise in compliance with the department's rules relating to drycleaning facilities or wholesale suppliers.

(b) The following drycleaning facilities or wholesale suppliers are not eligible for state-assisted third-party liability insurance:

1. Sites owned or operated by the state or Federal Government.

2. Sites where the owner or operator has denied the department site-access or where the facility has been determined not to be in compliance with the department's rules relating to drycleaning facilities or wholesale suppliers.

(c) Third-party liability insurance coverage may not be provided by the state contracted insurance carrier to cover third-party claims relating to damages caused by contamination that was discovered prior to the effective date of the insured's policy.

(3) For purposes of this section, the term:

(a) "Third-party liability" means the insured's liability, other than for site rehabilitation costs, for bodily injury or property damage caused by an incident of contamination related to the operation of a drycleaning facility or wholesale supplier.

(b) "Incident" means any sudden or gradual discharge of drycleaning solvents arising from the operation of a drycleaning facility or wholesale supplier that results in a need for site rehabilitation or results in bodily injury or property damage neither expected nor intended by the drycleaning facility owner or operator or wholesale supplier.

(4)(a) The purchase of insurance services by the department is not subject to the provisions of chapter 287.

(b) The Department of Insurance shall offer assistance as requested by the department to implement the program.

(c) Any insurance company, reinsurance company, or other entity contracted with by the department shall be subject to the same rules of the Department of Insurance applicable to other insurers, reinsurers, and other entities.

(5) It is the express intent of the Legislature that the provisions of this section shall not provide the basis for any claim against the department, the Hazardous Waste Management Trust Fund, or against the Water Quality Assurance Trust Fund for bodily injury or property damages caused by an incident of contamination related to the operation of a drycleaning facility or wholesale supplier.

Section 8. Paragraph (c) of subsection (1) and subsection (5) of section 376.308, Florida Statutes, are amended to read:

376.308 Liabilities and defenses of facilities.—

(1) In any suit instituted by the department under ss. 376.30-376.319, it is not necessary to plead or prove negligence in any form or matter. The department need only plead and prove that the prohibited discharge or other polluting condition has occurred. The following persons shall be liable to the department for any discharges or polluting condition:

(c) In the case of a discharge of petroleum, ~~or~~ petroleum products, or drycleaning solvents, the owner of the facility, unless the owner can establish that he acquired title to property contaminated by the activities of a previous owner or operator or other third party, that he did not cause or contribute to the discharge, and that he did not know of the polluting condition at the time he acquired title. If the owner acquired title subsequent to July 1, 1992, or, in the case of a drycleaning facility or wholesale supplier, subsequent to July 1, 1994, he must also establish by a preponderance of the evidence that he undertook, at the time of acquisition, all appropriate inquiry into the previous ownership and use of the property consistent with good commercial or customary practice in an effort to minimize liability. The court or hearing officer shall take into account any specialized knowledge or expe-

rience on the part of the defendant, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection. In an action relating to a discharge of petroleum, ~~or petroleum products, or drycleaning solvents~~ under chapter 403, the defenses and definitions set forth herein shall apply.

(5) Nothing herein shall be construed to affect cleanup program eligibility under ss. 376.305(7), 376.3071, ~~and 376.3072, 376.3078, and 376.3079.~~

Section 9. Section 376.311, Florida Statutes, is amended to read:

376.311 Penalties for a discharge.—

(1) The penalty provisions of this section do not apply to any discharge promptly reported and, where applicable, removed by an operator in accordance with the rules and orders of the department when the site has been determined eligible for participation in a program described in s. 376.305(7), s. 376.3071, ~~or s. 376.3072, s. 376.3078, or s. 376.3079.~~

(2) Penalties assessed herein for a discharge shall be in accordance with the provisions administered by the department in chapter 403.

Section 10. Section 376.313, Florida Statutes, is amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319.—

(1) The remedies in ss. 376.30-376.319 shall be deemed to be cumulative and not exclusive.

(2) Nothing in ss. 376.30-376.319 requires the pursuit of any claim against the Water Quality Assurance Trust Fund or the Inland Protection Trust Fund as a condition precedent to any other remedy.

(3) Notwithstanding any other provision of law, nothing contained in ss. 376.30-376.319 prohibits any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by ss. 376.30-376.319. Nothing in this chapter shall prohibit or diminish a party's right to contribution from other parties jointly or severally liable for a prohibited discharge of pollutants or hazardous substances or other pollution conditions. Except as otherwise provided in subsection (4) or subsection (5), in any such suit, it is not necessary for such person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it has occurred. The only defenses to such cause of action shall be those specified in s. 376.308.

(4) In any civil action brought after July 1, 1986, against the owner or operator of a petroleum storage system for damages arising from a petroleum storage system discharge, the provisions of subsection (3) shall not apply if it can be proven that, at the time of the discharge:

(a) The alleged damages resulted solely from a discharge from a petroleum storage system which was installed, replaced, or retrofitted, and maintained, in a manner consistent with the construction, operation, repair, and maintenance standards established for such systems under chapter 17-61, Florida Administra-

tive Code, as that chapter may hereafter be amended. The requirement of consistency with such standards may be satisfied only by being in compliance with the standards at the time of the discharge, regardless of the time specified for compliance under the schedule provided in said chapter.

(b) A leak detection system or systems or a monitoring well or wells were installed and operating in a manner consistent with technical requirements of chapter 17-61, Florida Administrative Code, as that chapter may hereafter be amended; and

(c) All inventory, recordkeeping, and reporting requirements of chapter 17-61, Florida Administrative Code, as that chapter may hereafter be amended, have been and are being complied with.

Any person bringing such an action must prove negligence to recover damages under this subsection. For the purposes of this subsection, noncompliance with this act, or any of the rules promulgated pursuant hereto, as the same may hereafter be amended, shall be prima facie evidence of negligence.

(5)(a) In any civil action against the owner or operator of a drycleaning facility or a wholesale supplier brought after the date established by rule by which drycleaning facilities or wholesale suppliers must be in compliance with department rules, for damages arising from the discharge of drycleaning solvents from a drycleaning facility or wholesale supplier, the provisions of subsection (3) shall not apply if it can be proven that, at the time of the discharge the alleged damages resulted solely from a discharge from a drycleaning facility or wholesale supplier that was operated and maintained in a manner consistent with the operation and maintenance standards established for such facilities under the rules of the department.

(b) Any person bringing such an action must prove negligence in order to recover damages under this subsection. For the purposes of this subsection, noncompliance with s. 376.303 or s. 376.3078, or any of the rules promulgated pursuant thereto, or any applicable state or federal law or regulation, as the same may hereafter be amended, shall be prima facie evidence of negligence.

(6)(5) The court, in issuing any final judgment in any such action, may award costs of litigation (including reasonable attorney's and expert witness fees) to any party, whenever the court determines such an award is in the public interest.

Section 11. Section 376.70, Florida Statutes, is created to read:

376.70 Tax on gross receipts of drycleaning facilities.—

(1) Beginning October 1, 1994, there is hereby levied a gross receipts tax on every person for the privilege of engaging in the business of laundering and drycleaning clothing and other fabrics in this state and of engaging in the business of providing uniform rentals or linen supply services in this state. The tax shall be at a rate of 1.5% of all charges imposed for the drycleaning or laundering of clothing or other fabrics and all charges imposed for uniform rental or linen supply services. Beginning January 1, 2004, the tax rate shall be 2%. Gross receipts from coin-operated laundry machines and from laundry done on a wash, dry and fold basis shall not be subject to tax.

(2) Any person imposing a charge for the drycleaning or laundering of clothing or other fabrics or a charge for uniform rental or linen supply services is required

to register with the Department of Revenue and become licensed for the purposes of this section. Persons operating at more than one location are only required to have a single registration. The fee for registration is \$30.

(3) The tax imposed by this section is due on the first day of the month succeeding the month in which the charge is imposed and shall be paid on or before the 20th day of each month. The tax shall be reported on forms and in the manner prescribed by the Department of Revenue by rule. The proceeds of the taxes, after deducting the administrative costs incurred by the Department of Revenue in administering, auditing, collecting, distributing, and enforcing the tax, shall be transferred by the Department of Revenue into the Hazardous Waste Management Trust Fund and shall be used as provided in s. 376.3078. For the purposes of this section, the proceeds of the tax include all funds collected and received by the Department of Revenue, including interest and penalties on delinquent taxes.

(4) Gross receipts arising from charges for services taxable pursuant to this section to persons who also impose charges to others for those same services are exempt from the tax imposed pursuant to this section.

(5)(a) The Department of Revenue shall administer, collect, and enforce the tax imposed under this section pursuant to the procedures for administration, collection, and enforcement of the general state sales tax imposed under chapter 212, except as provided in this subsection. Such procedures include, but are not limited to, those regarding the filing of consolidated returns, the granting of sale for resale exemptions, and the interest and penalties on delinquent taxes. The tax shall not be included in the computation of estimated taxes pursuant to s. 212.11, nor shall the dealer's credit for collecting taxes or fees in s. 212.12 apply. The provisions of s. 212.07(4) shall not apply to the tax imposed by this section.

(b) The Department of Revenue, under the applicable rules of the Public Employees Relations Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The Department of Revenue is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.

(c) The Department of Revenue is authorized to establish audit procedures and to assess delinquent taxes.

(6) The Legislature declares that the failure to promptly implement the provisions of this section would present an immediate threat to the welfare of the state. Therefore, the executive director of the Department of Revenue is authorized to adopt emergency rules pursuant to s. 120.54(9) to implement this section. Notwithstanding any other provision of law, such emergency rules shall remain effective for 180 days from the date of adoption. Other rules of the Department of Revenue related to and in furtherance of the orderly implementation of this section shall not be subject to a s. 120.54(4) rule challenge or a s. 120.54(17) drawout proceeding, but, once adopted, shall be subject to a s. 120.56 invalidity challenge. Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13).

Section 12. Section 376.75, Florida Statutes, is created to read:

376.75 Tax on production or importation of perchloroethylene.—

(1) Beginning October 1, 1994, a tax is levied on the privilege of producing in, importing into, or causing to be imported into the state perchloroethylene (tetrachloroethylene). A tax of \$5 per gallon is levied on each gallon of perchloroethylene when first imported into or produced in the state. The tax is imposed when transfer of title or possession, or both, of the product occurs in this state or when the product commingles with the general mass of this state.

(2) Any person producing in, importing into, or causing to be imported into this state perchloroethylene for sale, use, or otherwise must register with the Department of Revenue and become licensed for the purposes of remitting the tax pursuant to this section. Such person must register as either a producer or importer of perchloroethylene. Persons operating at more than one location are only required to have a single registration. The fee for registration is \$30. Failure to timely register is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The tax imposed by this section is due on the first day of the month succeeding the month of production, importation, or removal from a storage facility and must be paid on or before the 20th day of each month. Tax shall be reported on forms and in the manner prescribed by the Department of Revenue by rule.

(4) Any person subject to taxation under this section or any person who sells tax-paid perchloroethylene, other than a retail dealer, must separately state the amount of such tax paid on any charge ticket, sales slip, invoice, or other tangible evidence of the sale or must certify on the sales document that the tax required pursuant to this section has been paid.

(5) All perchloroethylene imported, produced, or sold in this state is presumed to be subject to the tax imposed by this section. Any person, except the final retail consumer, who has purchased perchloroethylene for sale, use, consumption, or distribution in this state must document that the tax imposed by this section have been paid or must pay such tax directly to the Department of Revenue in accordance with subsection (3).

(6) The Department of Revenue may authorize a quarterly return and payment when the tax remitted by the licensee for the preceding quarter did not exceed \$100; may authorize a semiannual return and payment when the tax remitted by the licensee for the preceding 6 months did not exceed \$200; and may authorize an annual return and payment when the tax remitted by the licensee for the preceding 12 months did not exceed \$400.

(7) The tax imposed by this section shall be reported to the Department of Revenue. The payment shall be accompanied by such forms as the Department of Revenue prescribes. The proceeds of the tax, after deducting the administrative costs incurred by the Department of Revenue in administering, auditing, collecting, distributing, and enforcing the tax, shall be transferred by the Department of Revenue into the Hazardous Waste Management Trust Fund and shall be used as provided in s. 376.3078. For the purposes of this section, the proceeds of the tax include all funds collected and received by the Department of Revenue, including interest and penalties on delinquent taxes.

(8)(a) The Department of Revenue shall administer, collect, and enforce the tax authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed un-

der chapter 212, except as provided in this section. The provisions of part I of chapter 212 regarding the authority to audit and make assessments, the keeping of books and records, and interest and penalties on delinquent taxes shall apply. The tax shall not be included in the computation of estimated taxes pursuant to s. 212.11, nor shall the dealer's credit for collecting taxes or fees in s. 212.12 apply to the tax. The provisions of s. 212.07(4) shall not apply to the tax imposed by this section.

(b) The Department of Revenue, under the applicable rules of the Public Employees Relations Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The Department of Revenue is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.

(c) The Department of Revenue is authorized to establish audit procedures and to assess delinquent taxes.

(9) The Legislature declares that the failure to promptly implement the provisions of this section would present an immediate threat to the welfare of the state. Therefore, the executive director of the Department of Revenue is authorized to adopt emergency rules pursuant to s. 120.54(9) to implement this section. Notwithstanding any other provision of law, such emergency rules shall remain effective for 180 days from the date of adoption. Other rules of the Department of Revenue related to and in furtherance of the orderly implementation of this section shall not be subject to a s. 120.54(4) rule challenge or a s. 120.54(17) drawout proceeding, but, once adopted, shall be subject to a s. 120.56 invalidity challenge. Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13).

(10) Perchloroethylene exported from the first storage facility at which it is held in this state by the producer or importer is exempt from the tax pursuant to this section. Anyone exporting perchloroethylene on which tax has been paid may apply for a refund or credit. The Department of Revenue may require such information as it deems necessary in order to approve the refund or credit.

Section 13. Subsections (3) and (4) of section 403.725, Florida Statutes, are amended to read:

403.725 Hazardous Waste Management Trust Fund.—

(3) Into the fund shall be deposited:

(a) Appropriations to the fund by the Legislature;

(b) Moneys collected from reimbursement requests and actions; ~~and~~

(c) Grants, moneys, or gifts from public or private agencies which are specifically designated to be deposited into the fund for hazardous waste management; ~~and~~

(d) All penalties, judgements, recoveries, reimbursements, loans, and other fees and charges pursuant to s. 376.3078 and tax revenues levied, collected, and credited pursuant to ss. 376.70 and 376.75, and registration fees collected pursuant to s. 376.303(1)(d).

(4) Moneys in the fund not currently needed to meet the obligations of the department in the exercise of its responsibilities ~~under this act~~ shall be deposited

with the Treasurer to the credit of the fund and may be invested in such manner as is provided by statute. Interest received on the investment shall be credited to the fund.

Section 14. (1) There is appropriated from the Water Quality Assurance Trust Fund to the Department of Environmental Protection 26 positions and the sum of \$1,308,963 for fiscal year 1994-1995, to be used for the implementation of this act.

(2) There is appropriated from the Water Quality Assurance Trust Fund to the Department of Revenue for fiscal year 1994-95, four positions and \$190,423 to be transferred into the Administrative Trust Fund to implement the provisions of this act.

(3) Notwithstanding any other provision of this act, the funds collected pursuant to sections 376.303(1)(d), 376.70, and 376.75, Florida Statutes, as created by this act, shall first be used to reimburse the Water Quality Assurance Trust Fund for the cost of the implementation of this act.

Section 15. This act shall take effect July 1, 1994.

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

CHAPTER 94-356

House Bill No. 2445

An act relating to environmental protection; amending s. 20.255, F.S.; providing for two deputy secretaries of the Department of Environmental Protection; authorizing the assignment of responsibilities; providing for special offices and managers thereof; exempting the managers from pt. II of ch. 110, F.S.; providing for an executive coordinator for ecosystems management; authorizing assistant and deputy division directors; prohibiting creation of deputy secretaries or senior management positions, except as specified; providing for six administrative districts; deleting provisions for two assistant secretaries of the department; requiring the director of the Division of State Lands to be confirmed by the Board of Trustees of the Internal Improvement Trust Fund; specifying the divisions of the department; repealing section 10 of chapter 93-213, Laws of Florida; repealing s. 370.02, F.S., relating to powers and duties of the Department of Natural Resources; repealing subsection (7) of section 3 of chapter 93-213, Laws of Florida, abrogating the repeal of s. 20.2655(5), F.S., which grants specified review authority to the Governor and Cabinet; amending ss. 229.8058, 253.022, 282.403, 373.1965, 380.061, 380.31, 388.46, and 403.7165, F.S.; providing for Department of Environmental Protection membership on certain councils and committees; amending s. 487.0615, F.S.; revising membership of the Pesticide Review Council; amending ss. 125.563, 159.705, 161.021, 161.031, 161.041, 161.042, 161.052, 161.053, 161.061, 161.071, 161.082, 161.101, 161.111, 161.141, 161.161, 161.33,

161.35, 161.36, 161.54, 163.3184, 177.27, 177.29, 177.502, 177.503, 186.021, 186.504, 186.801, 193.015, 193.501, 193.621, 201.022, 201.15, 206.9935, 211.31, 211.32, 212.055, 212.08, 212.69, 213.053, 215.3208, 216.0165, 220.184, 229.8064, 240.155, 240.5161, 240.5325, 240.5326, 252.87, 253.02, 253.023, 253.025, 253.03, 253.0325, 253.037, 253.04, 253.05, 253.12, 253.1241, 253.126, 253.45, 253.67, 253.74, 253.75, 253.77, 253.781, 253.782, 253.7821, 253.7823, 253.7825, 253.7826, 253.7829, 253.783, 253.784, 255.259, 255.565, 258.004, 258.015, 258.024, 258.09, 258.10, 258.15, 258.155, 258.397, 258.42, 258.43, 258.501, 259.035, 259.045, 259.101, 260.012, 260.013, 260.0161, 267.061, 270.22, 272.18, 282.1095, 282.402, 287.045, 287.0595, 288.021, 288.063, 288.1185, 288.811, 298.07, 298.11, 298.12, 298.15, 298.16, 298.22, 298.26, 298.33, 298.34, 298.467, 298.55, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director; conforming provisions to changes made by the act; amending ss. 298.70, 298.71, 298.72, 298.73, F.S.; conforming to the transfer of duties and responsibilities from the Department of Natural Resources to the Department of Environmental Protection provisions relating to the authority to borrow money and issue notes; amending ss. 309.01, 316.272, 316.293, 316.2935, 316.640, 320.03, 320.08065, 320.08066, 325.202, 325.203, 325.206, 325.207, 325.209, 325.212, 325.213, 325.217, 325.218, 325.223, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 327.02, 327.03, 327.04, 327.12, 327.26, 327.28, 327.41, 328.01, 328.15, 328.20, F.S.; conforming provisions transferring to the Department of Environmental Protection from the Department of Natural Resources duties and responsibilities relating to vessel registration and titling laws; amending ss. 334.065, 335.065, 337.108, 337.242, 337.27, 338.221, 338.223, 338.250, 341.3332, 341.336, 341.342, 341.343, 341.348, 341.352, 341.405, 341.407, 341.408, 348.0008, 348.759, 348.957, 366.825, 367.031, 367.081, 367.111, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 369.105, 369.20, 369.22, 369.25, 369.251, 369.307, 370.01, 370.013, 370.015, 370.02, 370.0205, 370.021, 370.023, 370.025, 370.026, 370.027, 370.03, 370.031, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 370.032, 370.033, 370.034, 370.037, 370.038, 370.06, 370.0605, 370.0607, 370.0608, 370.0609, 370.0615, 370.062, 370.063, 370.07, 370.071, 370.08, 370.081, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; repealing s. 370.082, F.S., relating to the regulation of the use of gill nets, wing nets, and similar devices; deleting obsolete provisions; amending ss. 370.0821, 370.103, 370.11, 370.1107, 370.12, 370.13,

370.14, 370.142, 370.143, 370.153, 370.1535, 370.157, 370.16, 370.1603, 370.172, 370.18, 370.19, 370.20, 370.21, 370.25, 372.071, 372.072, 372.0725, 372.57, 372.701, 372.7701, 372.771, 372.992, 373.016, 373.019, 373.026, 373.046, 373.079, 373.086, 373.171, 373.196, 373.1962, 373.1965, 373.197, 374.977, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 373.203, 373.206, 373.207, 373.209, 373.217, 373.2295, 373.303, 373.406, 373.423, 373.439, 373.453, 373.455, 373.4592, 373.4595, 373.498, 373.536, 373.59, 373.603, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing ss. 374.001, 374.3001, F.S., relating to transfer of the canal authority and assets of the Cross Florida Canal Navigation District to the Department of Natural Resources; amending ss. 375.021, 375.031, 375.041, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 375.045, 375.065, 375.075, 376.021, 376.031, 376.051, 376.0705, 376.10, 376.12, 376.121, 376.163, 376.30, 376.301, 376.303, 376.304, 376.307, 376.3071, 376.3072, 376.3077, 376.321, 376.40, 376.60, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 377.07, 377.075, 377.19, 377.22, 377.2408, 377.2425, 377.28, 377.703, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 378.032, 378.033, 378.034, 378.036, 378.203, 378.205, 378.206, 378.208, 378.212, 378.403, 378.404, 378.405, 378.406, 378.407, 378.408, 378.409, 378.411, 378.501, 378.502, 378.503, 378.601, 378.701, 378.703, 378.801, 378.803, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director of the former Department of Natural Resources; amending ss. 380.05, 380.051, 380.055, 380.0555, 380.0558, 380.06, 380.061, 380.0651, 380.0685, 380.33, 380.504, 381.006, 381.0065, 381.0098, 388.45, 403.031, 403.061, 403.0615, 403.0625, 403.081, 403.085, 403.086, 403.0871, 403.0873, 403.0876, 403.088, 403.0885, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing s. 403.0891(4), F.S., relating to an inventory of storm-water management systems by the Department of Transportation; deleting obsolete provisions; amending ss. 403.092, 403.135, 403.141, 403.182, 403.1822, 403.1823, 403.1834, 403.1835, 403.1838, 403.281, 403.413, 403.4131, 403.4135, 403.415, 403.4154, 403.503, 403.504, 403.507, 403.508, 403.518, 403.522, 403.523, 403.526, 403.527, 403.5271, 403.5365, 403.703, 403.705, 403.7061, 403.707, 403.708, 403.7084, 403.709, 403.714, 403.716, 403.717, 403.7186, 403.7195, 403.7197, 403.7199, 403.722, 403.7222, 403.7226, 403.725, 403.7255, 403.7264, 403.727, 403.74, 403.75, 403.7721, 403.783, 403.7841, 403.786, 403.787, 403.803, 403.8051, 403.8163, F.S.; con-

forming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; revising the use of waste tire fee moneys allocated to the Solid Waste Management Trust Fund; deleting obsolete provisions; amending ss. 403.851, 403.852, 403.862, 403.8635, 403.9311, 403.935, 403.9403, 403.9404, 403.941, 403.9411, 403.9412, 403.951, 403.952, 403.955, 403.957, 403.958, 403.959, 403.961, 403.962, 403.963, 403.964, 403.966, 403.967, 403.968, 403.969, 403.971, 403.972, 404.031, 404.0614, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 418.12, 420.608, 470.025, 489.133, 492.103, 501.122, 526.01, 553.79, 570.07, 581.083, 581.145, 581.186, 589.26, 597.003, 597.006, 617.0122, 705.101, 705.103, 784.07, 823.11, 832.06, 843.08, 860.20, 870.04, 895.09, 932.7055, 943.1728, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending s. 370.021, F.S.; providing for penalties related to gear restrictions in certain East Coast counties; providing for enforcement; amending s. 380.0651, F.S.; removing certain authority of the Department of Environmental Protection with respect to development-of-regional-impact review; repealing s. 377.075(6), F.S.; deleting obsolete language related to the state chemist's duties; authorizing the transfer of certain full-time equivalent positions from the Division of Recreation and Parks to the Division of Law Enforcement; An act relating to environmental management; amending s. 20.255, F.S.; providing for two deputy secretaries; authorizing the assignment of their responsibilities; providing for special offices and for managers of the special offices; exempting the managers from Part II, ch. 110, F.S.; providing for an executive coordinator for ecosystems management; authorizing assistant and deputy division directors; prohibiting the creation of deputy secretaries or senior management positions, except as specified; providing for six administrative districts; deleting provisions for two assistant secretaries of the department; requiring the director of the Division of State Lands to be confirmed by the Board of Trustees of the Internal Improvement Trust Fund; specifying the divisions of the department; creating a commission to make recommendations on the best way to perform functions assigned the Department of Environmental Protection and the Game and Fresh Water Fish Commission; providing for the prospective repeal of s. 20.255(5)(d) and (e); requiring a legislative review; repealing subsection (7) of section 3 of chapter 93-213, Laws of Florida, abrogating the repeal of s. 20.2655(5), F.S., which grants specified review authority to the Governor and Cabinet; repealing s. 370.02, F.S., which relates to the powers and duties of the Department of Natural Resources; creating s. 161.055, F.S.; providing for a single permit to be issued by the Department of Environmental Protection for specified activities; authorizing the department to adopt rules requiring concurrent application submittal and establishing a concurrent review and permitting procedure for activities regulated under ch. 161, F.S.; providing procedures; specifying the content of rules that are to be adopted; amending s. 161.0535, F.S.; clarifying provisions relating to permit fees and costs; amending s. 161.141, F.S.; deleting a requirement that the department notify a permit applicant of its

intent to issue or deny a permit application; deleting a prohibition against beach restoration or renourishment projects unless s. 253.77, F.S., has been complied with; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate to the Department of Environmental Protection its authority relating to the acquisition, administration, or disposition of lands titled in the board; providing for delegation to the department or water management districts by rule authority to take final action on proposed uses of submerged lands; providing for board review of such actions; clarifying the board's authority regarding submerged lands titled in the board; amending s. 253.01, F.S.; clarifying that revenues from certain fees are received by the Division of State Lands; amending s. 253.03, F.S.; providing for a water management district to retain fees charged for processing applications to use state lands; requiring the department to review applications for the use of state-owned submerged lands; revising procedures for reviewing the permits; amending s. 253.115, F.S.; revising procedures relating to public notice relating to the disposition of state lands; deleting procedures relating to the filing of written objections to a proposed disposition; amending s. 253.12, F.S.; revising requirements that the board publish notice of applications for use of tidal lands vested in the state; amending s. 253.52, F.S.; revising requirements for notice of the board's intention to sell oil and gas leases; amending s. 253.70, F.S.; revising notice requirements for public hearings relating to proposed uses of state lands; deleting procedures relating to the filing of written objections to the proposed uses; amending s. 253.77, F.S.; providing requirements for applications that are processed concurrently under s. 373.427, F.S.; prohibiting the issuance of a permit in specified circumstances; deleting notice requirements; amending s. 258.397, F.S.; revising public notice requirements for proposed dredging or filling or certain improvements in the Biscayne Bay Aquatic Preserve; amending s. 258.43, F.S.; revising public notice requirements regarding the board's intention to delegate to a local government responsibilities relating to a resource inventory and management plan; amending s. 270.07, F.S.; requiring the board to provide specified notice before selling, conveying, or disposing of lands that are vested in the board; amending s. 270.08, F.S.; revising prior notice of a sale of lands that are vested in the board; amending s. 373.413, F.S.; revising prior notice of applications for permits for surface water management construction or alteration; authorizing a subscription fee for notice of pending applications; creating s. 373.427, F.S.; providing for concurrent permit review for certain permits and waiver or variance requirements; creating s. 373.4275, F.S.; providing for the review of consolidated orders for certain applications; amending s. 373.422, F.S.; providing that the permitting conditions specified in this section do not apply to certain applications; amending s. 373.459, F.S.; revising distribution of funds to water management districts from the Surface Water Improvement and Management Trust Fund; amending s. 378.203, F.S.; clarifying and deleting certain definitions; defining the term "annual report"; amending s. 378.205, F.S.; deleting required reclamation program approvals; providing for annual reports; repealing obsolete provisions; amending s. 378.209, F.S.; providing, for purposes of the timing of reclamation, for a distinction between reclamation programs and reclamation area; amending s. 378.404, F.S.; autho-

rizing the department to develop rules for receiving and approving annual reports; amending s. 378.405, F.S.; conforming the section to changes incidental to the merger of the Department of Environmental Regulation and the Department of Natural Resources, effected by ch. 93-213, Laws of Florida; providing appropriations; repealing s. 270.09, F.S., relating to bids to purchase public lands; repealing s. 378.206, F.S., relating to approvals of reclamation plans and programs by the Governor and Cabinet; repealing s. 10 of ch. 93-213, L.O.F., relating to the budget of the Department of Environmental Protection; specifying powers; providing for future repeal of s. 258.024, F.S., relating to police powers of state park law enforcement officers; providing effective dates.

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

Section 1. Effective upon becoming law, section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(1) The head of the Department of Environmental Protection shall be a secretary, who shall be appointed by the Governor, with the concurrence of three or more members of the Cabinet. The secretary shall be confirmed by the Florida Senate. The secretary shall serve at the pleasure of the Governor.

(2) There shall be two deputy secretaries and an executive coordinator for ecosystem management who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign either deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary: Office of General Counsel, Office of Inspector General, Office of Communication, the latter including public information, legislative liaison, cabinet liaison and special projects, Office of Water Policy, Office of Intergovernmental Programs, Office of Ecosystem Planning and Coordination, Office of Environmental Education, Office of Greenways and Trails, and an Office of the Youth Corps. The executive coordinator for ecosystem management shall coordinate policy within the department to assure the implementation of the ecosystem management provisions of chapter 93-213, Laws of Florida. The executive coordinator for ecosystem management shall supervise only the Office of Water Policy, the Office of Intergovernmental Programs, the Office of Ecosystem Planning and Coordination and the Office of Environmental Education. The executive coordinator for ecosystem management may also be delegated authority by the secretary to act on behalf of the secretary; this authority may include the responsibility to oversee the inland navigation districts. The other special offices not supervised by the executive coordinator for ecosystem management shall report to the secretary; however, the secretary may assign them, for daily coordination purposes, to report through a senior manager other than the secretary. There shall be six administrative districts involved in regulatory matters of waste management, water facilities, wetlands, and air resources, which shall be headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary. Divisions of the department may have one assistant or two deputy division directors, as required to facilitate effective operation. The managers of all divisions and offices specifically named in this section and the directors of the six

administrative districts are exempt from part II of chapter 110 and are included in the Senior Management Service in accordance with s. 110.205(2)(i). No other deputy secretaries or senior management positions at or above the division level, except those established in chapter 110, may be created without specific legislative authority.

~~(2) There shall be two assistant secretaries appointed by and serving at the pleasure of the secretary.~~

(3) All of the existing legal authorities and actions of the Department of Environmental Regulation and the Department of Natural Resources are transferred to the Department of Environmental Protection, including, but not limited to, all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments, and private entities.

(4) The secretary of the Department of Environmental Protection is vested with the authority to take agency action under laws in effect on or before the effective date of this act, including those actions which were within the purview of the Governor and Cabinet. However, the existing functions of the Governor and Cabinet, sitting at the Siting Board as set forth in part II of chapter 403, reviewing stricter than federal standards of the Environmental Regulatory Commission as set forth in s. 403.804, siting a multipurpose hazardous waste facility as set forth in part IV of chapter 403, or certifying an industrial project as set forth in part IV of chapter 288, shall not be transferred to the Secretary of Environmental Protection, and nothing herein shall be construed to change any such function of the Governor and Cabinet.

(5) Except for those orders reviewable as provided in s. 373.4275 ~~To ensure consistency with the provisions and purposes of the authorizing law,~~ the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, has the exclusive authority to review any order or rule of the department which, prior to July 1, 1994 ~~the effective date of this act,~~ the Governor and Cabinet, as head of the Department of Natural Resources, had authority to issue or promulgate, other than a rule or order relating to an internal procedure of the department.

(a) Such review may be initiated by a party to the proceeding by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. Where a proceeding on an order has been initiated pursuant to s. 120.57, such review shall be initiated within 20 days after the department has taken final agency action in the proceeding. The request for review may be accepted by any member of the commission. For the purposes of this section, the term "party" shall mean any affected person who submitted oral or written testimony, sworn or unsworn, to the department of a substantive nature which stated, with particularity, objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of the applicable statutory provisions, or any person who participated as a party in a proceeding instituted pursuant to chapter 120.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based on the record below. The matter shall be heard by the commission not more than 60 days after receipt of the request for review.

(c) If the Land and Water Adjudicatory Commission determines that a rule or order is not consistent with the provisions and purposes of this chapter, it may, in the case of a rule, require the department to initiate rulemaking proceedings to amend or repeal the rule or, in the case of an order, rescind or modify the order or remand the proceeding to the department for further action consistent with the order of the Land and Water Adjudicatory Commission.

(d) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68, or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(6) The following divisions of the Department of Environmental Protection are established:

(a) Division of Administrative and Technical Services.

~~(b) Division of Beaches and Shores.~~

~~(b)(e)~~ Division of Air Resource Management.

~~(c)(d)~~ Division of Water Facilities.

~~(d)(e)~~ Division of Law Enforcement.

~~(e)(f)~~ Division of Marine Resources.

~~(f)(g)~~ Division of Waste Management.

~~(g)(h)~~ Division of Recreation and Parks.

~~(i) Division of Resource Management.~~

~~(h)(j)~~ Division of State Lands, the director of which is to be appointed by the secretary of the department, subject to confirmation by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

~~(i)(k)~~ Division of Environmental Resource Permitting ~~Water Management~~.

~~(l) Division of Technical Services.~~

In order to ensure statewide and intradepartmental consistency, the department's divisions shall direct the district offices and bureaus on matters of interpretation and applicability of the department's rules and programs.

(7) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission shall be composed of seven citizens of this state appointed by the Governor, subject to confirmation by the Senate. The commission shall include one, but not more than two, members from each water management district who have resided in the district for at least 1 year, and the remainder shall be selected from the state at large. Membership shall be representative of, but not limited to, interested groups including agriculture, real estate, environmentalists, the construction industry, and lay citizens. The Governor shall appoint the chairman, and the vice chairman shall be elected from among the membership. The members serving on the council on July 1, 1993, shall continue to serve on the commission for the remainder of their current terms. All appointments thereafter shall continue to be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as pro-

vided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department.

Section 2. (1) The powers, duties, and functions of the Department of Environmental Protection for licensing, titling, and registering vessels pursuant to chapters 327 and 328, Florida Statutes, are transferred by a type four transfer to the Department of Highway Safety and Motor Vehicles. The Department of Environmental Protection shall cooperate with the Department of Highway Safety in enforcing compliance with requirements for licensing, titling, and registering vessels.

(2) This section shall take effect upon becoming law.

Section 3. Section 10 of chapter 93-213, Laws of Florida, is hereby repealed.

Section 4. Effective upon becoming law, section 370.02, Florida Statutes, is hereby repealed.

Section 5. Effective upon becoming law subsection (7) of section 3 of chapter 93-213, Laws of Florida, is hereby repealed.

Section 6. Subsection (1) of section 229.8058, Florida Statutes, is amended to read:

229.8058 Advisory Council on Environmental Education; establishment; responsibilities.—

(1) There is created within the Legislature the Advisory Council on Environmental Education. The council shall have ~~14~~ 15 voting members, including:

- (a) Two members of the Senate, appointed by the President of the Senate.
- (b) Two members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (c) Five members appointed by the Governor.
- (d) A representative of the Department of Education.
- (e) A representative of the Department of Environmental Protection Regulation.
- ~~(f) A representative of the Department of Natural Resources.~~
- ~~(f)(g)~~ A representative of the Game and Fresh Water Fish Commission.
- ~~(g)(h)~~ A representative of the Executive Office of the Governor.
- ~~(h)(i)~~ The chair of the Environmental Education Foundation.

Section 7. Subsection (1) of section 253.022, Florida Statutes, is amended to read:

253.022 Land Management Advisory Council.—

(1) There is established a Land Management Advisory Council to provide assistance to the Board of Trustees of the Internal Improvement Trust Fund in reviewing the recommendations and plans for state-owned lands required by s. 253.034. The council shall be composed of ~~the executive director of the Department of Natural Resources;~~ the Commissioner of Agriculture; the Secretary of

State; the executive director of the Game and Fresh Water Fish Commission; the secretary of the Department of Environmental Protection Regulation; the secretary of the Department of Corrections; the Commissioner of Education; and the secretary of the Department of Community Affairs, or their respective designees. In addition, one individual chosen by the secretary of the Department of Environmental Protection shall sit on the council. The chairmanship of the council shall rotate annually in the order specified in the preceding sentence.

Section 8. Subsection (2) of section 282.403, Florida Statutes, is amended to read:

282.403 Coordinating council; creation; membership; duties.—

(2) The membership of the coordinating council shall consist of the Director of Planning and Budgeting within the Executive Office of the Governor, the Executive Director of the Game and Fresh Water Fish Commission, ~~the Executive Director of the Department of Natural Resources~~, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Protection Regulation, the Department of Health and Rehabilitative Services, and the Department of Transportation. The secretary of the Department of Management Services and the executive administrator of the Information Resource Commission, or their designees, shall serve without voting rights as ex officio members on the coordinating council. The Director of Planning and Budgeting of the Executive Office of the Governor, or his designee, shall serve as chairman and shall provide administrative and clerical support to the council. The chairman may call a meeting of the coordinating council as often as necessary to transact business.

Section 9. Subsection (1) of section 373.1965, Florida Statutes, is amended to read:

373.1965 Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin; coordinating council on restoration; project implementation.—

(1) There is created the Coordinating Council on the Restoration of the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin. The council shall be composed of ~~the Executive Director of the Department of Natural Resources~~, the Executive Director of the Florida Game and Fresh Water Fish Commission, the Executive Director of the Central and Southern Florida Flood Control District, and the Commissioner of the Department of Agriculture and Consumer Services, or their designees, and the Secretary of the Department of Environmental Protection Regulation, who shall serve as chairman.

Section 10. Paragraph (a) of subsection (6) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the Secretary of ~~the Department of Environmental Protection and a member designated by the secretary Regulation~~, the Secretary of ~~the Department of Transportation~~, the executive director of the Florida Game and Fresh Water Fish

Commission, ~~the executive director of the Department of Natural Resources~~, the executive director of the appropriate water management district created pursuant to chapter 373, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development which is appealed to the board, the director of the Division of Historical Resources of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.

Section 11. Section 380.31, Florida Statutes, is amended to read:

380.31 Coastal Resources Interagency Management Committee established.—

(1) There is established a Coastal Resources Interagency Management Committee composed of: the Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Environmental Protection Regulation, the Secretary of Labor and Employment Security, the Secretary of Transportation, the Assistant State Health Officer for Environmental Health in the Department of Health and Rehabilitative Services, ~~the executive director of the Department of Natural Resources~~, the executive director of the Marine Fisheries Commission, the executive director of the Game and Fresh Water Fish Commission, the director of the Division of Historical Resources of the Department of State, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the director of the Governor's Office of Planning and Budgeting, and the chair of the Citizens' Advisory Committee for the Florida Coastal Management Program. Each member shall attend the meetings of the committee or appoint a designee. A designee must be a policymaking administrator who may speak for the agency or the committee.

(2) There may be established an executive committee for the Coastal Resources Resource Interagency Management Committee composed of the Secretary of Community Affairs, the Secretary of Environmental Protection Regulation, the Secretary of Commerce, ~~the executive director of the Department of Natural Resources~~, the director of the Office of Planning and Budgeting of the Executive Office of the Governor, and the chair of the Citizens' Advisory Committee for the Florida Coastal Management Program. The executive committee is empowered to act on behalf of the Coastal Resources Interagency Management Committee in the event a state of emergency has been declared by the Governor pursuant to s. 252.36. In addition, the department, in coordination with the Coastal Resources Interagency Management Committee, may establish by rule other situations in which the executive committee may act on behalf of the Coastal Resources Interagency Management Committee to carry out the provisions of the Florida Coastal Management Act.

Section 12. Paragraph (a) of subsection (2) of Section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) Membership.—The Florida Coordinating Council on Mosquito Control shall be comprised of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection Regulation and the Secretary of Health and Rehabilitative Services;

2. The executive ~~director~~ ~~directors~~ of the Game and Fresh Water Fish Commission ~~and the Department of Natural Resources~~;
3. The state epidemiologist;
4. The Commissioner of Agriculture; and
5. Representatives from:
 - a. The University of Florida, Institute of ~~for~~ Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory;
 - b. Florida Agricultural and Mechanical University;
 - c. The United States Environmental Protection Agency;
 - d. The United States Department of Agriculture, Insects Affecting Man Laboratory;
 - e. The United States Fish and Wildlife Service; ~~and~~
 - f. Two mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture; ~~and~~
 - g. The Board of Trustees of the Internal Improvement Trust Fund.

Section 13. Subsection (5) of section 403.7165, Florida Statutes, is amended to read:

403.7165 Applications Demonstration Center for Resource Recovery from Solid Organic Materials.—

(5) There is ~~hereby~~ created a program advisory committee consisting of seven members to advise the Institute of Food and Agricultural Sciences in the operation of the Applications Demonstration Center for Resource Recovery from Solid Organic Materials. The Department of Environmental Protection Regulation, ~~the Department of Natural Resources~~, and the Department of Community Affairs shall each appoint a representative to serve as a member of the advisory committee. The Dean of the Cooperative Extension Service and the Director of Energy Extension Programs at the University of Florida shall appoint the other four members of the advisory committee for terms not exceeding 4 years.

Section 14. Paragraph (b) of subsection (1) of section 487.0615, Florida Statutes, is amended to read:

487.0615 Pesticide Review Council.—

(1)

(b) The council shall consist of 11 scientific members as follows: a scientific representative from the department, a scientific representative from the Department of Environmental Protection Regulation, ~~a scientific representative from the Department of Natural Resources~~, scientific representative from the Department of Health and Rehabilitative Services, and a scientific representative from the Game and Fresh Water Fish Commission, each to be appointed by the respective agency; the dean of research of the Institute of Food and Agricultural Sciences of

the University of Florida; and ~~six~~ five members to be appointed by the Governor. The ~~six~~ five members to be appointed by the Governor must be a pesticide industry representative, a representative of an environmental group, a hydrologist, a toxicologist, a scientific representative from one of the five water management districts and a grower representative from a list of three persons nominated by the statewide grower associations an independent scientific research consultant with experience in both government and industry. Each member shall be appointed for a term of 4 years and shall serve until a successor is appointed. A vacancy shall be filled for the remainder of the unexpired term.

Section 15. Subsection (4) of section 125.563, Florida Statutes, is amended to read:

125.563 Abatement of water pollution and shore erosion of inland lakes.—

(4) On receipt of the petition, the chairman of the board of county commissioners shall notify the State Department of Environmental Protection and Regulation, the Board of Trustees of the Internal Improvement Trust Fund, ~~and the Department of Natural Resources~~. Such agencies may submit recommendations to the board of county commissioners within 60 days of receipt of notice of the petition.

Section 16. Subsection (11) of section 159.705, Florida Statutes, is amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(11) Notwithstanding the provisions of s. 253.034, to be granted leases for lands owned by the Board of Trustees of the Internal Improvement Trust Fund for periods not to exceed 99 years, and to grant subleases for land which is owned by the Board of Trustees of the Internal Improvement Trust Fund if the board of trustees has approved the master lease agreement, the concept of the operation of the park, the master sublease provisions for use in such subleases, and changes, if any, to the master sublease. The terms of such subleases may run concurrently with the term of the lease granted by the Board of Trustees of the Internal Improvement Trust Fund, and subsequent to execution, copies of the subleases shall be filed with the Division of State Lands of the Department of Environmental Protection Natural Resources.

Section 17. Subsections (7) and (8) of section 161.021, Florida Statutes, are amended to read:

161.021 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(7) "Department" means the Department of Environmental Protection Natural Resources.

(8) "Division" means the Division of Beaches and Shores of the Department of Environmental Protection Natural Resources.

Section 18. Section 161.031, Florida Statutes, is amended to read:

161.031 Personnel and facilities.—The Department of Environmental Protection Natural Resources may call to its assistance temporarily, any engineer or other employee in any state agency or department or in the University of Florida or other

educational institution financed wholly or in part by the state, for the purpose of devising the most effective and economical method of averting and preventing erosion, hurricane, and storm damages. These employees shall not receive additional compensation, except for actual necessary expenses incurred while working under the direction of the Division of Marine Resources.

Section 19. Subsection (1) of section 161.041, Florida Statutes, is amended to read:

161.041 Permits required.—

(1) If any person, firm, corporation, county, municipality, township, special district, or any public agency desires to make any coastal construction or reconstruction or change of existing structures, or any construction or physical activity undertaken specifically for shore protection purposes, or other structures and physical activity including groins, jetties, moles, breakwaters, seawalls, revetments, artificial nourishment, inlet sediment bypassing, excavation or maintenance dredging of inlet channels, or other deposition or removal of beach material, or construction of other structures if of a solid or highly impermeable design, upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, a coastal construction permit must be obtained from the department of ~~Natural Resources~~ prior to the commencement of such work. The department may exempt interior tidal waters of the state from the permit requirements of this section. No such development shall interfere, except during construction, with the use by the public of any area of a beach seaward of the mean high-water line unless the department determines such interference is unavoidable for purposes of protecting the beach or any endangered upland structure. The department may require, as a condition to granting permits under this section, the provision of alternative access when interference with public access along the beach is unavoidable. The width of such alternate access may not be required to exceed the width of the access that will be obstructed as a result of the permit being granted. Application for coastal construction permits as defined above shall be made to the department upon such terms and conditions as set forth by rule of the department. Except for the deepwater ports identified in s. 403.021(9)(b), the department shall not issue any permit for the construction of a coastal inlet jetty or the excavation or maintenance of such an inlet if the activity authorized by the permit will have a significant adverse impact on the sandy beaches of this state without a mitigation program approved by the department. In evaluating the mitigation program, the department shall take into consideration the benefits of the long-term sand management plan of the permittee and the overall public benefits of the inlet activity.

Section 20. Section 161.042, Florida Statutes, is amended to read:

161.042 Coastal construction and excavation in barrier beach inlets.—The department is authorized to direct ~~that~~ any person, or any public body or agency, responsible for the excavation of sandy sediment as a result of any activity conducted to maintain navigable depths within or immediately adjacent to any coastal barrier beach inlet within sovereignty lands ~~shall, after the department considers any limitations under receipt of written authorization from the Department of Environmental Regulation relating to the deposition of spoil material from the excavation pursuant to chapters 253 and 403 on the deposition of spoil material from the excavation, and upon issuance of water-quality certification by the department, to use~~ such sediment for beach nourishment as prescribed by the division. ~~Requests for~~

~~such authorization shall be made by the applicant to the Department of Environmental Regulation, and such authorization shall be granted upon issuance of water quality certification by the Department of Environmental Regulation. For any construction or excavation within or immediately contiguous to any coastal barrier beach inlet which has been permitted pursuant to s. 161.041, the department may require the permittee to supply beach profiles and conduct hydrographic monitoring of the impacted area.~~

Section 21. Subsections (2), (4), (7), and (9) of section 161.052, Florida Statutes, are amended to read:

161.052 Coastal construction and excavation; regulation.—

(2) A waiver or variance of the setback requirements may be authorized by the department of ~~Natural Resources~~ in the following circumstances:

(a) The department may authorize an excavation or erection of a structure at any riparian coastal location as described in subsection (1) upon receipt of an application from a riparian owner and upon the consideration of facts and circumstances, including adequate engineering data concerning shoreline stability and storm tides related to shoreline topography, which, in the opinion of the department of ~~Natural Resources~~, clearly and unequivocally justify such a waiver or variance.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if said existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line on written authorization from the department of ~~Natural Resources~~ if such proposed structure is also approved by the department of ~~Natural Resources~~. However, the department of ~~Natural Resources~~ shall not contravene setback requirements established by a county or municipality which are equal to, or more strict than, those setback requirements provided herein.

(c) The department may authorize the construction of pipelines or piers extending outward from the shoreline, unless it determines that the construction of such projects would cause erosion of the beach in the area of such structures.

(4) The department of ~~Natural Resources~~ may by regulation exempt specifically described portions of the coastline from the provisions of this section whenever in its judgment such portions of coastline, because of their nature, are not subject to erosion of a substantially damaging effect to the public.

(7) Any coastal structure erected, or excavation created, in violation of the provisions of this section is hereby declared to be a public nuisance, and such structure shall be forthwith removed or such excavation refilled after written notice by the department of ~~Natural Resources~~ directing such removal or filling. In the event that the structure is not removed or the excavation refilled as directed within a reasonable time, the department of ~~Natural Resources~~ may remove such structure or fill such excavation at its own expense. The cost thereof shall become a lien upon the property of the upland owner upon which such unauthorized structure or excavation is located.

(9) The ~~secretary executive director~~ of the department may make recommendations to the Board of Trustees of the Internal Improvement Trust Fund Govern-

~~nor and Cabinet as head of the department concerning the purchase of the fee or any lesser interest in any lands seaward of the setback requirement as environmentally endangered lands or as outdoor recreation lands.~~

Section 22. Subsections (2) and (14) of section 161.053, Florida Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(2) Coastal construction control lines shall be established by the department only after it has been determined from a comprehensive engineering study and topographic survey that the establishment of such control lines is necessary for the protection of upland properties and the control of beach erosion. No such line shall be set until a public hearing has been held in each affected county. After the department has given consideration to the results of such public hearing, it shall, after considering ground elevations in relation to historical storm and hurricane tides, predicted maximum wave uprush, beach and offshore ground contours, the vegetation line, erosion trends, the dune or bluff line, if any exist, and existing upland development, set and establish a coastal construction control line and cause such line to be duly filed in the public records of any county affected and shall furnish the clerk of the circuit court in each county affected a survey of such line with references made to permanently installed monuments at such intervals and locations as may be considered necessary. However, no coastal construction control line shall be set until a public hearing has been held by the ~~department~~ Governor and Cabinet and the affected persons have an opportunity to appear. The hearing shall constitute a public hearing and shall satisfy all requirements for a public hearing pursuant to s. 120.54(3). The hearing shall be noticed in the Florida Administrative Weekly in the same manner as a rule. Any coastal construction control line adopted pursuant to this section shall not be subject to a s. 120.54(4) rule challenge or a s. 120.54(17) drawout proceeding, but, once adopted, shall be subject to a s. 120.56 invalidity challenge. The rule shall be adopted by the ~~department~~ Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13). Upon such filing with the Department of State, no person, firm, corporation, or governmental agency shall construct any structure whatsoever seaward thereof; make any excavation, remove any beach material, or otherwise alter existing ground elevations; drive any vehicle on, over, or across any sand dune; or damage or cause to be damaged such sand dune or the vegetation growing thereon seaward thereof, except as hereinafter provided. Control lines established under the provisions of this section shall be subject to review at the discretion of the department after consideration of hydrographic and topographic data ~~that indicate which indicates~~ shoreline changes that render established coastal construction control lines to be ineffective for the purposes of this act or at the written request of officials of affected counties or municipalities. Any riparian upland owner who feels that such line as established is unduly restrictive or prevents a legitimate use of his property shall be granted a review of the line upon written request. After such review, the department shall decide if a change in the control line as established is justified and shall so notify the person or persons making the request. The decision of the department shall be subject to judicial review as provided in chapter 120.

(14) Concurrent with the establishment of a coastal construction control line and the ongoing administration of this chapter, the ~~secretary executive director~~ of the department shall make recommendations to the Board of Trustees of the Inter-

~~nal Improvement Trust Fund Governor and Cabinet as head of the department concerning the purchase of the fee or any lesser interest in any lands seaward of the control line pursuant to the state's Save Our Coast, Conservation and Recreation Lands, or Outdoor Recreation Land acquisition programs; and, with respect to those control lines established pursuant to this section prior to June 14, 1978, the secretary executive director may make such recommendations.~~

Section 23. Subsection (1) of section 161.061, Florida Statutes, is amended to read:

161.061 Coastal construction serving no public purpose, endangering human life, health, or welfare, or becoming unnecessary or undesirable.—

(1) Any coastal construction, or any structure including groins, jetties, moles, breakwaters, seawalls, revetments, or other structures if of a solid or highly impermeable design upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, regardless of date of construction or whether a permit has been issued in accordance with part I of this chapter, which serves no public purpose, which is dangerous to or in any way endangers human life, health, or welfare, or which proves to be undesirable or becomes unnecessary, as determined by the department of Natural Resources, shall be adjusted, altered, or removed by the abutting upland property owner after written notice by the division. Request for hearing must be filed by the owner with the department within 15 days after such notice. Adjustments, alterations, or removals required by this section shall be accomplished at no cost to the state. The decision of the department as to whether to adjust, alter, or remove such coastal construction or structure shall be final and the department shall set a reasonable time within which the adjustment, alteration, or removal shall be accomplished.

Section 24. Section 161.071, Florida Statutes, is amended to read:

161.071 Prosecuting officers to assist enforcement of part I of this chapter.— State attorneys, or other prosecuting officers of the state or county, and sheriffs and their deputies of the several counties of this state, shall assist the department of Natural Resources in enforcement of part I of this chapter. The officers and their deputies shall, upon information that any persons, firms, or corporations are violating any of the provisions of part I of this chapter, report the same, together with the information in their possession relating thereto, to the department and shall cooperate with the department in carrying out the provisions of part I of this chapter. The state attorneys and other prosecuting officers of the state or any county, upon the request of the department, shall institute and maintain such legal proceedings as may be necessary to carry out the enforcement of the provisions of part I of this chapter.

Section 25. Section 161.082, Florida Statutes, is amended to read:

161.082 Review of innovative technologies for beach renourishment.— The department of Natural Resources is directed to periodically review innovative technologies for beach renourishment and, on a limited basis, authorize, through the permitting process, experimental projects that are alternatives to traditional dredge and fill projects to determine the most effective and less costly techniques for beach renourishment.

Section 26. Subsections (1) and (2) of section 161.101, Florida Statutes, are amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach renourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the department of ~~Natural Resources~~, shall determine those beaches which are critically eroding and in need of restoration and renourishment and may authorize the expenditure from the Beach Management Trust Fund of the amount necessary to pay up to 75 percent of the actual costs for restoring and renourishing a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

(2) To carry out the beach and shore preservation programs, the department is hereby constituted as the beach and shore preservation authority for the state. In this capacity, the ~~secretary executive director~~ of the department may at his own initiative take all necessary steps as soon as practicable and desirable to implement the provisions of this chapter.

Section 27. Section 161.111, Florida Statutes, is amended to read:

161.111 Shore erosion emergency.—If a shore erosion emergency is declared by the Governor, the state, acting through the department of ~~Natural Resources~~, may spend whatever state funds are available to alleviate shore erosion, including such funds specifically set aside for such purposes in the erosion control account.

Section 28. Subsection (2) of section 161.141, Florida Statutes, is amended to read:

161.141 Property rights of state and private upland owners in beach restoration project areas.—

(2) When the department of ~~Environmental Regulation~~ has received all information necessary to evaluate the impact of the proposed project pursuant to chapter 403 and has concluded its evaluation, it shall notify the applicant within 10 days whether it intends to issue or deny the permit, regardless of whether the Board of Trustees of the Internal Improvement Trust Fund has given its consent to the use of state lands as required by s. 253.77. However, no construction on any beach restoration or beach renourishment project may be initiated without complying with the provisions of s. 253.77.

Section 29. Subsections (1), (3), and (6) of section 161.161, Florida Statutes, are amended to read:

161.161 Procedure for approval of projects.—

(1) The division shall develop and maintain a comprehensive long-term management plan for the restoration of the state's critically eroding beaches. The beach management plan shall:

(a) Address long-term solutions to the problem of critically eroding beaches in this state.

(b) Evaluate each improved coastal beach inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan must include:

1. The extent to which such inlet causes beach erosion and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, recommendations regarding inlet sediment bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and beach renourishment; and

2. Cost estimates necessary to take inlet corrective measures and recommendations regarding cost sharing among the beneficiaries of such inlet.

(c) Specify design criteria for beach restoration and beach renourishment projects, including, but not limited to:

1. Dune elevation and width and revegetation and stabilization requirements; and

2. Beach profile.

(d) Evaluate the establishment of feeder beaches as an alternative to direct beach restoration and recommend the location of such feeder beaches and the source of beach-compatible sand.

(e) Identify causes of shoreline erosion and change, calculate erosion rates, and project long-term erosion for all major beach and dune systems by surveys and profiles.

(f) Identify shoreline development and degree of density and assess impacts of development and shoreline protective structures on shoreline change and erosion.

(g) Identify short-term and long-term economic costs and benefits of beaches, including recreational value to user groups, tax base, revenues generated, and beach acquisition and maintenance costs.

(h) Study dune and vegetation conditions.

(i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles and their nests and nesting locations.

(j) Identify alternative management responses to preserve undeveloped beach and dune systems, to restore damaged beach and dune systems, and to prevent inappropriate development and redevelopment on migrating beaches, and consider beach restoration and renourishment, armoring, relocation and abandonment, dune and vegetation restoration, and acquisition.

(k) Establish criteria, including costs and specific implementation actions, for alternative management techniques.

(l) Select and recommend appropriate management measures for all of the state's sandy beaches in a beach management program.

(m) Establish a list of beach restoration and beach renourishment projects, arranged in order of priority, and the funding levels needed for such projects.

The beach management plan may be prepared at the district level based upon areas of greatest need and probable federal funding. Such district plans shall be components of the statewide beach management plan and shall serve as the basis for state funding decisions upon approval in accordance with chapter 86-138, Laws of Florida. In accordance with a schedule established for the submission of district plans by the department, any completed plan must be submitted to the secretary head of the department for approval no later than March 1 of each year. These district level plans shall include, but shall not be limited to, recommendations of appropriate funding mechanisms for implementing projects in the beach management plan, giving consideration to the use of single-county and multicounty taxing districts or other revenue generation measures by state and local governments and the private sector. Prior to presenting the plan to the secretary head of the department, the department shall hold a public meeting in the areas or district for which the plan is prepared. The district plan submission schedule shall be submitted to the secretary head of the department for approval by August 1, 1986. Any revisions to such schedule must be approved in like manner.

(3) Upon approval of the beach restoration management plan by the ~~head of the department~~, the secretary executive director shall present to the Board of Trustees of the Internal Improvement Trust Fund ~~head of the department~~ written recommendations for the funding of the beach restoration and beach renourishment projects according to the priority specified in the beach restoration management plan. ~~In September of Each year thereafter, the department executive director shall present to the head of the department written recommendations for the funding of those projects that remain in need of restoration and renourishment pursuant to the approved list.~~

(6) The board of trustees shall approve or disapprove the beach restoration or beach renourishment project as it affects sovereignty lands. If approval is granted, the ~~secretary head of the department~~ shall authorize the expenditure from the Beach Management Trust Fund of the amount necessary to pay for up to 75 percent of the costs of the project, and the board of trustees shall establish the location of the erosion control line. In locating said line, the board of trustees shall be guided generally by the existing line of mean high water, bearing in mind the requirements of proper engineering in the erosion control project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

Section 30. Subsection (2) of section 161.33, Florida Statutes, is amended to read:

161.33 Cooperation with federal, state, and other governmental entities.—

(2) The board of county commissioners and the department of ~~Natural Resources~~, for and on behalf of each or any district created in accordance with parts I and II of this chapter, are authorized to receive and accept from any federal agency, grants for or in aid of any beach and shore preservation program contemplated by part II of this chapter, and to receive and accept aid or contributions from any source, of money, property and other things of value. The board of county commissioners is authorized to make application for Federal participation in the cost of any beach and shore preservation program under any Acts of Congress and all amendments thereto.

Section 31. Section 161.35, Florida Statutes, is amended to read:

161.35 County shoreline; supervisory and regulatory powers of board of county commissioners.—

(1) With the consent of the department of ~~Natural Resources~~ and of any municipality or other political authority involved, the board of county commissioners may regulate and supervise all physical work or activity along the county shoreline which is likely to have a material physical effect on existing coastal conditions or natural shore processes. This regulatory and supervisory authority shall specifically include, but not be limited to, installation of groins, jetties, moles, breakwaters, seawalls, revetments, and other coastal construction as defined herein. For this purpose, the board of county commissioners, with assistance as required from its professional personnel, may develop standards and criteria, issue permits and conduct inspections.

(2) All regulations and requirements prescribed by the board of county commissioners pursuant to part II of this chapter may be enforced by mandatory injunction or other appropriate action in any court of competent jurisdiction. Such regulations and requirements shall in no way affect the regulatory authority of the department of ~~Natural Resources~~.

Section 32. Section 161.36, Florida Statutes, is amended to read:

161.36 General powers of authority.—In order to most effectively carry out the purposes of part II of this chapter, the board of county commissioners, as the county beach and shore preservation authority and as the governing body of each beach and shore preservation district established thereby, shall be possessed of broad powers to do all manner of things necessary or desirable in pursuance of this end; provided, however, nothing herein shall diminish or impair the regulatory authority of the department of ~~Natural Resources~~ or Division of Marine Resources under s. 370.02(2), or part I of this chapter, or the Board of Trustees of the Internal Improvement Trust Fund under chapter 253. Such powers shall specifically include, but not be limited to, the following:

- (1) To make contracts and enter into agreements;
- (2) To sue and be sued;
- (3) To acquire and hold lands and property by any lawful means;
- (4) To exercise the power of eminent domain;
- (5) To enter upon private property for purposes of making surveys, soundings, drillings and examinations, and such entry shall not be deemed a trespass;
- (6) To construct, acquire, operate and maintain works and facilities;
- (7) To make rules and regulations; and
- (8) To do any and all other things specified or implied in part II of this chapter.

Section 33. Subsection (9) of section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(9) "Department" means the Department of Environmental Protection ~~Natural Resources~~.

Section 34. Subsections (3) and (4) and paragraph (b) of subsection (11) of section 163.3184, Florida Statutes, are amended to read:

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

(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 Regulation~~, and the Department of Transportation immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment.

(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 Regulation~~, and the Department of Transportation 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).

(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 Regulation~~, the ~~Department of Natural Resources~~, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. These governmental agencies shall provide comments to the state land planning agency within 30 days after receipt of the 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 of the 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.

(11) ADMINISTRATION COMMISSION.—

(b) If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department of ~~Natural Resources~~ considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

Section 35. Subsection (7) of section 177.27, Florida Statutes, is amended to read:

177.27 Definitions.—The following words, phrases, or terms used herein, unless the context otherwise indicates, shall have the following meanings:

(7) “Department” means the Department of Environmental Protection ~~Natural Resources~~.

Section 36. Subsection (1) of section 177.29, Florida Statutes, is amended to read:

177.29 Powers and duties of the department.—

(1) The provisions of this part shall be administered by the department of ~~Natural Resources~~.

Section 37. Section 177.502, Florida Statutes, is amended to read:

177.502 Declaration of policy.—The Legislature finds and declares that it is the responsibility of the state, and in the public interest, to provide a means for the identification, restoration, and preservation of the controlling corner monuments established during the original cadastral surveys, to which the vast majority of titles to lands in Florida are related and on which they are dependent. All such monuments and evidence pertaining to the original government surveys and resurveys are recognized as historical and economic resources of the state and, as such, are vitally important to the orderly planning, management, use, conservation, and public enjoyment of Florida’s natural resources. In order to implement this policy, the department of ~~Natural Resources~~ shall assume the responsibility for conducting a program of the identification, restoration, and preservation of such monuments.

Section 38. Subsection (2) of section 177.503, Florida Statutes, is amended to read:

177.503 Definitions.—As used in ss. 177.501-177.510, the following words and terms shall have the meanings indicated unless the context clearly indicates a different meaning:

(2) “Department” means the Department of Environmental Protection ~~Natural Resources~~.

Section 39. Subsection (4) of section 186.021, Florida Statutes, is amended to read:

186.021 State agency strategic plans.—

(4) Neither this section nor s. 186.009 limit the authority of the Department of Transportation to separately produce a state long-range transportation plan to comply with the requirements of federal law. The Department of Environmental Protection Regulation, with regard to the plan required by s. 373.036, and the state land planning agency, with regard to the plan defined in s. 380.031(17), and the Information Resource Commission, with regard to the plan defined in s. 282.3061, shall prepare revisions to such plans no later than 6 months after the adoption of revisions to the growth management portion of the state comprehensive plan or by June 1 of each even-numbered year, whichever is later.

Section 40. Paragraph (b) of subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

(b) A representative of the Department of Environmental Protection Regulation.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

Section 41. Subsection (2) of section 186.801, Florida Statutes, is amended to read:

186.801 Ten-year site plans.—

(2) Within 9 months of the receipt of the proposed plan, the department shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The department may suggest alternatives to the plan. All findings of the department shall be made available to the Department of Environmental Protection Regulation for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the department. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment to the 10-year site plan. In its preliminary study of each 10-year site plan, the department shall consider such plan as a planning document and shall review:

(a) The need, including the need as determined by the Public Service Commission, for electrical power in the area to be served.

(b) The anticipated environmental impact of each proposed electrical power plant site.

(c) Possible alternatives to the proposed plan.

(d) The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of saltwater or freshwater for cooling purposes.

(e) The extent to which the plan is consistent with the state comprehensive plan.

(f) The plan with respect to the information of the state on energy availability and consumption.

Section 42. Subsections (1) and (2) of section 193.015, Florida Statutes, are amended to read:

193.015 Additional specific factor; effect of issuance or denial of permit to dredge, fill, or construct in state waters to their landward extent.—

(1) If the Department of Environmental ~~Protection Regulation~~ issues or denies a permit to dredge, fill, or otherwise construct in or on waters of the state, as defined in chapter 403, to their landward extent as determined under s. 403.817(2), the property appraiser is expressly directed to consider the effect of that issuance or denial on the value of the property and any limitation that the issuance or denial may impose on the highest and best use of the property to its landward extent.

(2) The Department of Environmental ~~Protection Regulation~~ shall provide the property appraiser of each county in which such property is situated a copy of any final agency action relating to an application for such a permit.

Section 43. Paragraph (i) of subsection (6) of section 193.501, Florida Statutes, is amended to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—

(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:

(i) "Qualified as environmentally endangered" means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the Local Government Comprehensive Planning and Land Development Regulation Act; or land subject to regulation by the Department of Environmental ~~Protection Regulation~~ and defined as submerged lands in regulations adopted pursuant to s. 403.817.

Section 44. Subsections (6) and (7) of section 193.621, Florida Statutes, are amended to read:

193.621 Assessment of pollution control devices.—

(6) If a property appraiser is in doubt whether a taxpayer is entitled, in whole or in part, to an assessment under this section, he may refer the matter to the Department of Environmental ~~Protection Regulation~~ for a recommendation. If he so refers the matter, he shall notify the taxpayer of such action. The Department of Environmental ~~Protection Regulation~~ shall immediately consider whether or not

such taxpayer is so entitled and certify its recommendation to the property appraiser.

(7) The Department of Environmental ~~Protection Regulation~~ shall promulgate rules and regulations regarding the application of the tax assessment provisions of this section for the consideration of the several county property appraisers of this state. Such rules and regulations shall be distributed to the several county property appraisers of this state.

Section 45. Subsection (1) of section 201.022, Florida Statutes, is amended to read:

201.022 Consideration for realty; filing of return condition precedent to recordation; penalty; compensation of clerks; failure to file does not impair validity.—

(1) As a condition precedent to the recordation of any deed transferring an interest in real property, the grantor or the grantee or agent for grantee shall execute and file a return with the clerk of the circuit court. The return shall state the actual consideration paid for the interest in real property. The return shall state the parcel identification number maintained by the county property appraiser in a manner prescribed by the department. If the parcel is a split or cutout parcel, the return shall state the parent parcel identification number if the parcel identification number has not been assigned. The return shall not be recorded or otherwise become a public record and shall be confidential as provided by s. 193.074, and shall be exempt from the provisions of s. 119.07(1), except that the Department of Environmental Protection Natural Resources or, through the Department of Environmental Protection Natural Resources, its contract appraiser, shall have access to the return to verify the consideration paid in any transfer of an interest in real property, when such transfer is considered as part of an appraisal for a proposed land acquisition project conducted pursuant to any Department of Environmental Protection Natural Resources land acquisition program. The Department of Environmental Protection Natural Resources or its contract appraiser shall not disclose the contents of the return to any other public or private entity. The original return shall be forwarded to the Department of Revenue, and a copy shall be forwarded to the property appraiser. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14(1).

Section 46. Paragraph (a) of subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be subject to the service charge imposed in s. 215.20(1) and shall be distributed as follows:

(1) Seventy-one and twenty-nine hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Subject to the maximum amount limitations set forth in this paragraph, an amount as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund shall not exceed \$90 million in fiscal year 1992-1993, \$120 million in fiscal year 1993-1994, \$150 million in

fiscal year 1994-1995, \$180 million in fiscal year 1995-1996, \$210 million in fiscal year 1996-1997, \$240 million in fiscal year 1997-1998, \$270 million in fiscal year 1998-1999, and \$300 million in fiscal year 1999-2000 and thereafter. No individual series of bonds may be issued pursuant to this paragraph unless the first year's debt service for such bonds is specifically appropriated in the General Appropriations Act. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the ~~Department of Natural Resources~~ Save Our Coast revenue bonds.

Section 47. Effective July 1, 1995, paragraph (a) of subsection (1) of section 201.15, Florida Statutes, as amended by section 4 of chapter 92-317, Laws of Florida, and section 2 of chapter 93-74, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be subject to the service charge imposed in s. 215.20(1) and shall be distributed as follows:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Subject to the maximum amount limitations set forth in this paragraph, an amount as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund shall not exceed \$90 million in fiscal year 1992-1993, \$120 million in fiscal year 1993-1994, \$150 million in fiscal year 1994-1995, \$180 million in fiscal year 1995-1996, \$210 million in fiscal year 1996-1997, \$240 million in fiscal year 1997-1998, \$270 million in fiscal year 1998-1999, and \$300 million in fiscal year 1999-2000 and thereafter. No individual series of bonds may be issued pursuant to this paragraph unless the first year's debt service for such bonds is specifically appropriated in the General Appropriations Act. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the ~~Department of Natural Resources~~ Save Our Coast revenue bonds.

Section 48. Paragraphs (b) and (c) of subsection (1) and paragraph (b) of subsection (3) of section 206.9935, Florida Statutes, are amended to read:

206.9935 Taxes imposed.—

(1) TAX FOR COASTAL PROTECTION.—

(b) The excise tax shall be 2 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state until the balance in the Coastal Protection Trust Fund equals or exceeds \$50 million. For the fiscal year immediately following the year in which the balance in the fund equals or exceeds \$50 million, no excise tax shall be levied unless:

1. The balance in the fund is less than or equal to \$40 million. For the fiscal year immediately following the year in which the balance in the fund is less than or equal to \$40 million, the excise tax shall be and shall remain 2 cents per barrel or equivalent measure until the fund again equals or exceeds \$50 million. For the fiscal year immediately following the year in which the fund again is equal to or

exceeds \$50 million, the excise tax and fund shall be controlled as when the fund first was equal to or exceeded \$50 million.

2. There is a discharge of catastrophic proportions, the results of which could significantly reduce the balance in the fund. In the event of such a catastrophic occurrence, the ~~Secretary of Environmental Protection Governor and Cabinet as the head of the Department of Natural Resources~~ may, by rule, relevel the excise tax in an amount not to exceed 10 cents per barrel for a period of time sufficient to maintain the fund at a balance of \$50 million, after payment of the costs and damages related to the catastrophic discharge.

3. The fund is unable to pay any proven claims against the fund at the end of the fiscal year. Notwithstanding any other provision of this subsection, for the fiscal year following the year in which the fund is unable to pay any proven claims against the fund at the end of the fiscal year, the excise tax shall be and shall remain 5 cents per barrel or equivalent measure until all outstanding proven claims have been paid and the fund again equals or exceeds \$20 million. For the fiscal year immediately following the year in which the fund, after levy of the 5-cent excise tax, again is equal to or exceeds \$20 million, the excise tax and fund shall be controlled in accordance with subparagraph 1., unless otherwise provided.

4. The fund has had appropriated to it by the Legislature, but has not yet repaid, state funds from the General Revenue Fund. In such event, the excise tax shall continue to be in effect until all such funds are repaid to the General Revenue Fund.

(c)1. Excluding natural gas drilling activities, if offshore oil drilling activity is approved by the United States Department of the Interior for the waters off the coast of this state in the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, paragraph (b) shall not apply. Instead, the excise tax shall be 2 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state, and the proceeds shall be deposited into the Coastal Protection Trust Fund with a cap of \$100 million.

2. If a discharge of catastrophic proportions occurs, the results of which could significantly reduce the balance in the fund, the ~~Secretary of Environmental Protection Governor and Cabinet as the head of the Department of Natural Resources~~ may, by rule, increase the levy of the excise tax to an amount not to exceed 10 cents per barrel for a period of time sufficient to pay any proven claim against the fund and restore the balance in the fund until it again equals or exceeds \$50 million; except that for any fiscal year immediately following the year in which the fund is equal to or exceeds \$50 million, the excise tax and fund shall be governed by the provisions of subparagraph 1.

(3) TAX FOR INLAND PROTECTION.—

(b)1. The excise tax per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state shall be:

a. Thirty cents if the unobligated balance of the fund is between \$100 million and \$150 million.

b. Sixty cents if the unobligated balance of the fund is above \$50 million, but below \$100 million.

c. Eighty cents if the unobligated balance of the fund is \$50 million or less.

2. Any change in the tax rate shall be effective for a minimum of 6 months, unless the unobligated balance of the fund requires that a higher rate be levied.

3. If the unobligated balance of the fund exceeds \$150 million, the tax shall be discontinued until such time as the unobligated balance of the fund reaches \$100 million.

4. The Secretary of Environmental ~~Protection Regulation~~ shall immediately notify the Department of Revenue when the unobligated balance of the fund falls below or exceeds an amount set herein. Changes in the tax rates pursuant to this subsection shall take effect on the first day of the month after 30 days' notification to the Department of Revenue by the Secretary of Environmental ~~Protection Regulation~~ when the unobligated balance of the fund falls below or exceeds a limit set pursuant to this subsection.

Section 49. Subsection (2) of section 211.31, Florida Statutes, is amended to read:

211.31 Levy of tax on severance of certain solid minerals; rate, basis, and distribution of tax.—

(2) On April 1 ~~of each year, 1980, and annually thereafter~~ until such funding ends, the ~~Secretary Executive Director of Environmental Protection the Department of Natural Resources~~ shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives as to the sufficiency of the Nonmandatory Land Reclamation Trust Fund and whether the funding of that fund needed substantially to complete the master reclamation plan as provided in s. 378.021 should be decreased, increased, or otherwise modified by law.

Section 50. Section 211.32, Florida Statutes, is amended to read:

211.32 Tax on solid minerals; Land Reclamation Trust Fund; refund for restoration and reclamation.—

(1)(a) Each taxpayer shall institute and complete a reclamation and restoration program upon each site of severance subject to the taxes imposed by this part, in accordance with criteria adopted by the Department of ~~Environmental Protection Natural Resources~~ pursuant to chapter 378, which shall include the following standards:

1. Control of the physical and chemical quality of the water draining from the area of operation;
2. Soil stabilization, including contouring and vegetation;
3. Elimination of health and safety hazards;
4. Conservation and preservation of remaining natural resources; and
5. A time schedule for the completion of the program and the various phases thereof.

The Department of ~~Environmental Protection Natural Resources~~ may adopt as criteria local ordinances which, at the minimum, meet the above standards. The mandatory obligation to institute and complete a reclamation and restoration program under this paragraph shall not apply to acres disturbed by the severance of solid minerals before July 1, 1975. However, if such acres are included within sites

of severance that are subject to reclamation and restoration programs approved by the Department of Environmental Protection Natural Resources, such acres shall be treated as being subject to this paragraph for purposes of the refunds provided under paragraph (d).

(b) The reclamation and restoration program may include qualified sites other than the site of severance upon which the taxes were paid. The Department of Environmental Protection Natural Resources may adopt a list of sites qualifying under this paragraph, which must meet, at the minimum, the following qualifications:

1. The restoration or reclamation of the site and the program to be instituted are in the public interest; and
2. The location of the site is in an area where economic considerations would not be conducive to immediate restoration or reclamation of the site.

(c) As part of accomplishing a program of restoration and reclamation at a particular site of severance or at other sites qualified pursuant to paragraph (b), the taxpayer may request the Department of Environmental Protection Natural Resources to accept a portion or portions of the site as state land. Such a request shall be accompanied by an offer to transfer to the state title to the land involved and suitable ingress thereto and egress therefrom. If such request is granted by the Department of Environmental Protection Natural Resources, the refund under this election shall be computed on the fair market value of the land at the time of transfer, as determined by the taxpayer and the Department of Environmental Protection Natural Resources, with the approval of the Board of Trustees of the Internal Improvement Trust Fund and concurred in after public hearing by such board.

(d) The Comptroller shall, upon written verification of compliance with paragraph (a), paragraph (b), or paragraph (c) by the Department of Environmental Protection Natural Resources, and upon verification of the cost of the restoration and reclamation program or, if paragraph (c) is elected, the fair market value of the land, grant refunds, to be paid from the Land Reclamation Trust Fund, of the taxes paid under this part, in an amount equal to 100 percent of the costs incurred in complying with paragraph (a) or paragraph (b), or 100 percent of the fair market value of the land transferred in complying with paragraph (c), subject to the following limitations:

1. A taxpayer shall not be entitled to refunds in excess of the amount of taxes paid by the taxpayer under this part which are deposited in the Land Reclamation Trust Fund.
2. A taxpayer shall not be entitled to the payment of a refund for costs incurred in connection with a particular restoration and reclamation program unless and until the taxpayer is accomplishing the program in reasonable compliance with the criteria established by the Department of Environmental Protection Natural Resources.

(e) Claims for reclamation refunds under paragraph (d) shall be filed on an annual basis within 60 days after the taxpayer has paid the tax imposed under this part for the preceding taxable year. The taxpayer may include in the claim for refund all costs incurred in complying with paragraph (a) or paragraph (b), or the values of all land transferred in complying with paragraph (c), for the period July 1, 1971, through December 31 of the preceding taxable year, to the extent that such costs or values have not been previously allowed for refund purposes.

(f)1. To encourage the rapid accomplishment of reclamation, the taxes credited to the Land Reclamation Trust Fund shall be available for refund to the taxpayer under paragraph (d) for a maximum period of 5 years from the date the tax is paid. The Land Reclamation Trust Fund shall be subject to the service charge imposed pursuant to chapter 215.

2. In allocating the tax paid into the Land Reclamation Trust Fund for a particular taxable year to refunds claimed and received by the taxpayer, the taxes first paid into the trust fund shall be deemed the taxes first paid out in refunds. The department shall determine by July 1 of each year that portion of the Land Reclamation Trust Fund for which refund claims have not been timely filed and allowed in accordance with this paragraph, and such portion shall be transferred to the General Revenue Fund.

(g) If, during any 3 consecutive taxable years, a taxpayer has not performed work under any approved reclamation and restoration program and if, at the end of such 3-year period, the taxpayer has completed reclamation on all lands he is obligated to reclaim pursuant to paragraph (a), then all moneys in the Land Reclamation Trust Fund to the taxpayer's account at the end of such period shall be transferred to the General Revenue Fund.

(h) If the Department of Environmental Protection Natural Resources determines that a taxpayer has abandoned a reclamation program subject to this part or has failed to complete such program by the completion date specified by the Department of Environmental Protection Natural Resources, and if the Department of Environmental Protection Natural Resources further determines that the taxpayer, after 60 days' notice of such deficiency from the Department of Environmental Protection Natural Resources, has failed to return work on the reclamation program to a rate of progress that would reasonably ensure completion of the program within not more than 6 months after the date of such deficiency notice from the Department of Environmental Protection Natural Resources or within not more than 6 months from the completion date established by the Department of Environmental Protection Natural Resources, whichever period is longer, then such reclamation program shall be permanently ineligible for purposes of reclamation refunds under this part.

(i) In determining a taxpayer's compliance with completion dates specified by the Department of Environmental Protection Natural Resources for reclamation programs under this part, such completion dates shall be extended by the period of any delays attributable to causes beyond the reasonable control of the taxpayer.

(j) The obligation to reclaim under paragraph (a) shall run with the land and shall be enforceable against any person claiming a fee interest in the land subject to that obligation.

(k) The amendments by ch. 75-40, Laws of Florida, to paragraphs (d), (e), (f), and (g) shall apply to the balance in the Land Reclamation Trust Fund on July 1, 1975, regardless of the date the taxes were paid that gave rise to that balance and to refund claims filed on or after July 1, 1975, regardless of the date the reclamation costs were incurred on which the claim is based.

(2) Notwithstanding any other provision in this part, refunds from the taxes levied under this part based upon the severance of solid minerals before July 1, 1978, shall be paid from the Land Reclamation Trust Fund for so long as funds remain available only for the cost of restoration and reclamation of land:

(a) Disturbed by the severance of solid minerals prior to July 1, 1975; or

(b) Included within a site of severance on or before July 1, 1977, for which a restoration and reclamation program was filed with the former Department of Natural Resources on or before July 1, 1977.

Section 51. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection Regulation. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 50,000 that is required to close a landfill by order of the Department of Environmental Protection Regulation may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes.

2. For the purposes of this paragraph, “infrastructure” means:

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

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

Section 52. Paragraph (p) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribu-

tion, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(p) 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 Regulation under the provisions of s. 403.715.

Section 53. Paragraphs (a) and (b) of subsection (1) of section 212.69, Florida Statutes, are amended to read:

212.69 Distribution of proceeds.—

(1) Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 212.67, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) \$7,550,000 shall be transferred to the Department of Environmental Protection Natural Resources in fiscal year 1992-1993 and in each fiscal year thereafter. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. \$1,250,000 of the amount transferred shall be deposited annually in the Motorboat Revolving Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least \$1 million of such funds to the eradication of melaleuca.

(b) \$1,250,000 shall be transferred to the State Game Trust Fund in the Game and Fresh Water Fish Commission in fiscal year 1992-1993 and in each fiscal year thereafter. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year, and must be used for recreational boating activities of a type consistent with projects eligible for funding under the Florida Boating Improvement Program administered by the Department of Environmental Protection Natural Resources, and freshwater fisheries management and research.

Section 54. Paragraphs (h) and (k) of subsection (7) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(h) Names and addresses of persons paying taxes pursuant to part IV of chapter 206 to the Department of Environmental Protection Regulation in the conduct of its official duties.

(k) Information relative to s. 403.7197 to the Department of Environmental ~~Protection Regulation~~ 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. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 55. Paragraphs (a) and (b) of subsection (1) of section 215.3208, Florida Statutes, are amended to read:

215.3208 Trust funds; schedule for termination; legislative review.—

(1) Except for those trust funds exempt from automatic termination pursuant to the provisions of s. 19(f)(3), Art. III of the State Constitution, trust funds administered by the following entities shall be terminated by the Legislature and recreated, as appropriate, during the regular session of the Legislature in the year indicated:

(a) In 1994:

1. Department of Corrections.
- ~~2. Department of Environmental Regulation.~~
- ~~2.3.~~ Department of Highway Safety and Motor Vehicles.
- ~~3.4.~~ Department of Law Enforcement.
- ~~4.5.~~ Department of Legal Affairs.
- ~~5.6.~~ Department of the Lottery.
- ~~6.7.~~ Department of Management Services.
- ~~7.8.~~ Department of Military Affairs.
- ~~8.9.~~ Department of Transportation.
- ~~9.10.~~ Game and Fresh Water Fish Commission.
- ~~10.11.~~ Judicial branch.
- ~~11.12.~~ Justice Administrative Commission.
- ~~12.13.~~ Parole Commission.

(b) In 1995:

1. Department of Agriculture and Consumer Services.
2. Department of Banking and Finance.
3. Department of Business Regulation.
4. Department of Citrus.
5. Department of Education.

- 6. Department of Environmental Protection ~~Natural Resources~~.
- 7. Department of Revenue.
- 8. Executive Office of the Governor.
- 9. Florida Public Service Commission.

Section 56. Subsection (2) of section 216.0165, Florida Statutes, is amended to read:

216.0165 Agency and judicial branch evaluation and justification.—

(2) Each agency or entity subject to the provisions of this section shall be subject to periodic evaluation and review no more often than once every 7 years or less often than once every 15 years. The evaluation and justification review of an agency or entity shall include all adjunct authorities, boards, committees, offices, and commissions within or connected to the agency or entity, and all adjunct agencies or entities which are by law contained in or responsible to the agency which is the subject of the evaluation and review. The evaluation and review may include consideration of programs provided by other agencies which are integrally related to the programs administered by the agency or entity which is scheduled for evaluation and review. The evaluations and reviews shall be initiated in the following order, subject to revision by the Legislative Auditing Committee as provided in subsection (3):

- (a) The Department of Revenue.
- (b) The Department of Environmental Protection ~~Regulation~~.
- ~~(c) The Department of Natural Resources.~~
- ~~(c)(d)~~ The Game and Fresh Water Fish Commission.
- ~~(d)(e)~~ The Department of the Lottery.
- ~~(e)(f)~~ The Department of Corrections.
- ~~(f)(g)~~ The Florida Parole Commission.
- ~~(g)(h)~~ The Department of Health and Rehabilitative Services.
- ~~(h)(i)~~ The Department of Education.
- ~~(i)(j)~~ The Department of Professional Regulation.
- ~~(j)(k)~~ The Department of Transportation.
- ~~(k)(l)~~ The Department of Community Affairs.
- ~~(l)(m)~~ The Department of Legal Affairs.
- ~~(m)(n)~~ The Department of Law Enforcement.
- ~~(n)(o)~~ The Judicial Branch.
- ~~(o)(p)~~ State attorneys, public defenders, the Capital Collateral Representative, and the Justice Administration Commission.
- ~~(p)(q)~~ The Department of Banking and Finance.
- ~~(q)(r)~~ The Department of Business Regulation.

- ~~(r)(s)~~ The Department of Agriculture and Consumer Services.
~~(s)(t)~~ The Department of Commerce.
~~(t)(u)~~ The Department of State.
~~(u)(v)~~ The Department of Veterans' Affairs.
~~(v)(w)~~ The Department of Military Affairs.
~~(w)(x)~~ The Executive Office of the Governor.
~~(x)(y)~~ The Legislative Branch.
~~(y)(z)~~ The Public Service Commission.
~~(z)(aa)~~ The Department of Labor and Employment Security.
~~(aa)(bb)~~ The Department of Insurance.
~~(bb)(cc)~~ The Department of Management Services.
~~(cc)(dd)~~ The Department of Highway Safety and Motor Vehicles.
~~(dd)(ee)~~ The Department of Citrus.

Section 57. Subsection (1) of section 220.184, Florida Statutes, is amended to read:

220.184 Hazardous waste facility tax credit.—

(1) A credit against the tax imposed by this chapter shall be allowed to the owner of any commercial hazardous waste facility who incurs expenses for hydrologic, geologic, or soil site evaluations and permit fees required by the Department of Environmental ~~Protection Regulation~~, which credit shall be equal to the amount of such expenses incurred.

Section 58. Section 229.8064, Florida Statutes, is amended to read:

229.8064 Priorities for projects and program activities.—

(1) Except as provided in subsection (2), the Advisory Council on Environmental Education shall recommend to the Department of ~~Environmental Protection Natural Resources~~ priorities for projects and program activities to be funded from the Save Our State Environmental Education Trust Fund in the Department of ~~Environmental Protection Natural Resources~~. The ~~Secretary of Environmental Protection Governor and Cabinet as head of the department~~ may approve the list or strike individual projects from the list, but ~~he they~~ may not otherwise alter the priority ranking of projects. The list shall be submitted to the ~~secretary Governor and Cabinet~~ by the time of the first board meeting in August of each year, and the Advisory Council on Environmental Education shall update the list and resubmit it for further review and approval by the ~~secretary Governor and Cabinet~~ by the time of the first board meeting in January of each year to fund projects and program activities within available appropriations. The ~~secretary Governor and Cabinet~~ shall act upon the recommended list within 45 days after its submission to ~~him them~~.

(2) For project activities to be funded from the Aquatic Resources Education Account within the department's Save Our State Environmental Education Trust Fund, the department shall develop a priority list of projects that meet the intent

and purpose of the aquatic education activities of the department. The department shall submit the list of projects to the ~~secretary Governor and Cabinet~~ by the ~~time of the first board meeting~~ in October of each year to fund projects and program activities within available appropriations. Before its submission to the ~~secretary Governor and Cabinet~~, however, the project list must be provided to the Advisory Council on Environmental Education for review and comment. The ~~secretary Governor and Cabinet~~ shall act upon the recommended list within 45 days after its submission to ~~him~~ them.

Section 59. Subsection (6) of section 240.155, Florida Statutes, is amended to read:

240.155 Campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review to the host and any affected local governments, the state land planning agency, the Department of Environmental ~~Protection Regulation~~, ~~the Department of Natural Resources~~, the Department of Transportation, the Department of State, the Game and Fresh Water Fish Commission, and the applicable water management district and regional planning council. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the Board of Regents. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments, and the holding of at least two public hearings within the host jurisdiction, the Board of Regents shall adopt the campus master plan. It is the intent of the Legislature that the Board of Regents comply with the notice requirements set forth in s. 163.3184(15) to ensure full public participation in this planning process. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 60. Subsection (6) of section 240.5161, Florida Statutes, is amended to read:

240.5161 Program of vertebrate paleontology within Florida Museum of Natural History.—There is established within the Florida Museum of Natural History a program of vertebrate paleontology, which program has the following responsibilities:

(6) Cooperating and coordinating activities with the Department of ~~Environmental Protection Natural Resources~~ under the provisions of ss. 375.021 and 375.031 and the Department of State under this chapter in the acquisition, preservation, and operation of significant vertebrate paleontological sites and properties of great and continuing scientific value, so that such sites and properties may be utilized to conserve the faunal heritage of this state and to promote an appreciation of that heritage.

Section 61. Section 240.5325, Florida Statutes, is amended to read:

240.5325 Research activities relating to solid and hazardous waste management.—Research, training, and service activities related to solid and hazardous waste management conducted by state universities shall be coordinated by the Board of Regents through the Office of the Chancellor. Proposals for research contracts and grants; public service assignments; and responses to requests for infor-

mation and technical assistance by state and local government, business, and industry shall be addressed by a formal Type I Center process involving an advisory board of university personnel appointed by the chancellor and chaired and directed by an individual appointed by the chancellor. The Board of Regents shall consult with the Department of ~~Environmental Protection Regulation~~ in developing the research programs and provide the department with a copy of the proposed research program for review and comment before the research is undertaken. Research contracts shall be awarded to independent nonprofit colleges and universities within the state which are accredited by the Southern Association of Colleges and Schools on the same basis as those research contracts awarded to the state universities. Research activities shall include, but are not limited to, the following areas:

- (1) Methods and processes for recycling solid and hazardous waste;
- (2) Methods of treatment for detoxifying hazardous waste; and
- (3) Technologies for disposing of solid and hazardous waste.

Section 62. Section 240.5326, Florida Statutes, is amended to read:

240.5326 Research protocols to determine most appropriate pollutant dispersal agents.—The Center for Solid and Hazardous Waste Management shall coordinate the research protocols for projects to determine the most appropriate dispersal agents that can be used in an environmentally safe manner in Florida waters as part of a pollutant cleanup activity. Such research shall be used by the Department of ~~Environmental Protection Natural Resources~~ in approving the use of such agents by pollutant spill cleanup contractors and others who may be required to use such agents in containing and cleaning up pollutant spills in the waters of the state.

Section 63. Subsection (7) of section 252.87, Florida Statutes, is amended to read:

252.87 Supplemental state reporting requirements.—

(7) The department shall avoid duplicative reporting requirements by utilizing the reporting requirements of other state agencies that regulate hazardous materials and shall only request the necessary information required under EPCRA or required to implement the fee provisions of this part. To the extent feasible, the Department of Insurance, the Department of Agriculture and Consumer Services, the Department of ~~Environmental Protection Regulation~~, the Public Service Commission, the Department of Revenue, the Department of Labor and Employment Security, and other state agencies which regulate hazardous materials shall coordinate with the department in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the department in informing the facility owner or operator of the requirements of this part. The department shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 64. Subsection (3) of section 253.02, Florida Statutes, is amended to read:

253.02 Board of trustees; powers and duties.—

(3) In the event submerged tidal land is to be sold and transferred by said board of trustees, the board of trustees shall first require the Department of Environmental Protection Natural Resources to inspect said lands and to file a written report with the board of trustees which report shall state whether or not the development of said lands would be detrimental to established conservation practices.

Section 65. Subsections (2), (7), and (9), and paragraph (d) of subsection (11) of section 253.023, Florida Statutes, are amended to read:

253.023 Conservation and Recreation Lands Trust Fund; purpose.—

(2)(a) The Conservation and Recreation Lands Trust Fund is established within the Department of Environmental Protection Natural Resources. The fund shall be used as a nonlapsing, revolving fund exclusively for the purposes of this section. The fund shall be credited with proceeds from the following excise taxes:

1. The excise taxes on documents as provided in s. 201.15; and
2. The excise tax on the severance of phosphate rock as provided in s. 211.3103(2)(a).

The Department of Revenue shall credit to the fund each month the proceeds from such taxes as provided in this paragraph.

(b) There shall annually be transferred from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund that amount, not to exceed \$20 million annually, as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 to acquire lands on the established priority list as determined by the advisory council pursuant to s. 259.035; however, no moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the ~~Department of Natural Resources~~ Save Our Coast revenue bonds. Amounts transferred annually from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund pursuant to this paragraph shall have the highest priority over other payments or transfers from the Conservation and Recreation Lands Trust Fund, and no other payments or transfers shall be made from the Conservation and Recreation Lands Trust Fund until such transfers to the Land Acquisition Trust Fund have been made.

(7)(a) The board of trustees may enter into any contract necessary to accomplish the purposes of this section.

(b) On behalf of the board and before the appraisal of parcels approved for purchase under chapter 259, the ~~Secretary executive director of Environmental Protection the Department of Natural Resources~~ or the director of the Division of State Lands may enter into option contracts to buy such parcels. Any such option contract shall state that the final purchase price is subject to approval by the board and that the final purchase price may not exceed the maximum offer allowed by law. The consideration for such an option may not exceed \$1,000 or 0.01 percent of the estimate by the department of the value of the parcel, whichever amount is greater.

(9) Lands to be considered for purchase under this section are subject to the selection procedures of s. 259.035 and shall be acquired in accordance with acquisition procedures for state lands provided for in s. 253.025, except as otherwise provided by the Legislature. An inholding or an addition to a project selected for purchase pursuant to this chapter or s. 259.035 is not subject to the selection procedures of s. 259.035 if the estimated value of such inholding or addition does not exceed \$500,000. When at least 90 percent of the acreage of a project has been purchased pursuant to this chapter or s. 259.035, the project may be removed from the list and the remaining acreage may continue to be purchased. Moneys from the fund may be used for title work, appraisal fees, and survey costs related to acquisition expenses for lands to be acquired, donated, or exchanged which qualify under the categories of this section, at the discretion of the board. When the Legislature has authorized the Department of Environmental Protection Natural Resources to condemn a specific parcel of land and such parcel has already been approved for acquisition under this section, the land may be acquired in accordance with the provisions of chapter 73 or chapter 74, and the fund may be used to pay the condemnation award and all costs, including a reasonable attorney's fee, associated with condemnation.

(11)

(d)1. Beginning in fiscal year 1992-1993, not more than one-fourth of the funds reserved pursuant to paragraph (b) shall be reserved annually by the board of trustees for payment in lieu of taxes to qualifying counties for actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Preservation 2000 Program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for management purposes or land acquisition in accordance with the provisions of this section.

2. Payment in lieu of taxes shall be available to counties which levy an ad valorem tax of at least nine mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less and to counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.

3. If insufficient funds are available in any year to make full payments to all qualifying counties, such counties shall receive a pro rata share of the moneys available.

4. The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. For lands purchased prior to July 1, 1992, applications for payment in lieu of taxes shall be made to the Department of Revenue by January 1, 1993. For lands purchased after July 1, 1992, applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. Payment in lieu of taxes shall be limited to a total of 10 years of annual payments.

5. Payment in lieu of taxes pursuant to this paragraph shall be made annually to qualifying counties after certification by the Department of Revenue that the amounts applied for are appropriate, based on the amount of actual taxes paid on the eligible property, and after the Department of Environmental Protection Nat-

~~ural Resources~~ has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section.

6. If the board of trustees conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.

Section 66. Paragraph (b) of subsection (5) and paragraph (f) of subsection (7) of section 253.025, Florida Statutes, are amended to read:

253.025 Acquisition of state lands.—

(5)

(b) Title shall be conveyed, or a written agreement to transfer title shall be executed, within 6 months of the initiation of purchase negotiations unless the Department of Environmental Protection ~~Natural Resources~~ formally abandons that acquisition prior to the conclusion of such 6-month period.

(7) Prior to approval by the board of trustees or, when the purchase price does not exceed \$100,000, its designee, of any agreement to purchase land pursuant to s. 253.023, chapter 259, or chapter 375, and prior to negotiations with the parcel owner to purchase any other land, title to which will vest in the board of trustees, an appraisal of the parcel shall be required as follows:

(f) The appraisal report shall be accompanied by the sales history of the parcel for at least the prior 5 years. Such sales history shall include all parties and considerations with the amount of consideration verified, if possible. If a sales history would not be useful, or its cost prohibitive compared to the value of a parcel, the sales history may be waived by the Secretary ~~executive director~~ of Environmental Protection ~~the Department of Natural Resources~~ or the director of the Division of State Lands. The department shall adopt a rule specifying guidelines for waiver of a sales history.

Section 67. Subsections (12) and (13) of section 253.03, Florida Statutes, are amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(12) There is hereby established within the Department of Environmental Protection ~~Natural Resources~~ the Forfeited Property Trust Fund, to be used as a nonlapsing revolving fund exclusively for the purposes of subsection (13).

(13) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized to administer, manage, control, conserve, protect, and sell all real property forfeited to the state pursuant to ss. 895.01-895.09 or acquired by the state pursuant to s. 607.0505 or s. 620.192. The board is directed to immediately determine the value of all such property and shall ascertain whether the property is in any way encumbered. If the board determines that it is in the best interest of the state to do so, funds from the Forfeited Property Trust Fund may be used to satisfy any such encumbrances. If the Forfeited Property Trust Fund does not contain a balance sufficient to satisfy encumbrances on the property and expenses permitted under this section, funds from the Land Acquisition Trust Fund may be used to satisfy any such encumbrances and expenses. All property acquired by the board pursuant to s. 607.0505, s. 620.192, or ss. 895.01-895.09 shall be sold as soon as commercially feasible unless the Attorney General recommends and the board deter-

mines that retention of the property in public ownership would effectuate one or more of the following policies of statewide significance: protection or enhancement of floodplains, marshes, estuaries, lakes, rivers, wilderness areas, wildlife areas, wildlife habitat, or other environmentally sensitive natural areas or ecosystems; or preservation of significant archaeological or historical sites identified by the Secretary of State. In such event the property shall remain in the ownership of the board, to be controlled, managed, and disposed of in accordance with this chapter, and the Forfeited Property Trust Fund shall be reimbursed from the Land Acquisition Trust Fund, or other appropriate fund designated by the board, for any funds expended from the Forfeited Property Trust Fund pursuant to this subsection in regard to such property. Upon the recommendation of the Attorney General, the board may reimburse the investigative agency for its investigative expenses, costs, and attorneys' fees, and may reimburse law enforcement agencies for actual expenses incurred in conducting investigations leading to the forfeiture of such property from funds deposited in the Forfeited Property Trust Fund of the Department of Environmental Protection Natural Resources. The proceeds of the sale of property acquired under s. 607.0505, s. 620.192, or ss. 895.01-895.09 shall be distributed as follows:

(a) After satisfaction of any valid claims arising under the provisions of s. 895.09(1)(a) or (b), any moneys used to satisfy encumbrances and expended as costs of administration, appraisal, management, conservation, protection, sale, and real estate sales services and any interest earnings lost to the Land Acquisition Trust Fund as of a date certified by the Department of Environmental Protection Natural Resources shall be replaced first in the Land Acquisition Trust Fund, if those funds were used, and then in the Forfeited Property Trust Fund; and

(b) The remainder shall be distributed as set forth in s. 895.09.

Section 68. Subsection (1) of section 253.0325, Florida Statutes, is amended to read:

253.0325 Modernization of state lands records.—

(1) The Department of Environmental Protection Natural Resources shall initiate an ongoing computerized information systems program to modernize its state lands records and documents that relate to lands to which title is vested in the Board of Trustees of the Internal Improvement Trust Fund. The program shall include, at a minimum:

(a) A document management component to automate the storage and retrieval of information contained in state lands records.

(b) A land records management component to organize the records by key elements present in the data.

(c) An evaluation component which includes the collection of resource and environmental data.

(d) A mapping component to generate and store maps of state-owned parcels using data from the land records management and evaluation components.

Section 69. Subsection (1) of section 253.037, Florida Statutes, is amended to read:

253.037 Use of state-owned land for correctional facilities.—

(1) The Department of Environmental Protection ~~Natural Resources~~ shall review, identify, and secure state-owned lands which may be used for correctional facilities subject to determination by the Department of Corrections of where sites are needed and their appropriateness for use as prisons or other correctional facilities.

Section 70. Subsections (3) and (6) of section 253.04, Florida Statutes, are amended to read:

253.04 Duty of board to protect, etc., state lands; state may join in any action brought.—

(3) The Department of Environmental Protection ~~Natural Resources~~ is authorized to develop by rule a schedule for the assessment of civil penalties for damage to coral reefs in state waters. The highest penalty shall not exceed \$1,000 per square meter of reef area damaged. The schedule may include additional penalties for aggravating circumstances, not to exceed \$250,000 per occurrence. A determination of aggravating circumstances shall be based on factors relating to the cause of the damage such as, but not limited to:

- (a) Absence of extenuating circumstances, such as weather conditions or other factors beyond the control of the vessel operator.
- (b) Disregard for safe boating practices.
- (c) Whether the vessel operator was under the influence of alcohol or drugs.
- (d) Navigational error.
- (e) Disregard for speed limits or other boating regulations.
- (f) Failure to use available charts and equipment or to have such equipment on board.
- (g) Willful or intentional nature of the violation.
- (h) Previous coral reef damage caused by the vessel operator.

Penalties assessed according to this section may be doubled for damage to coral reefs located within the boundaries of John Pennekamp Coral Reef State Park.

(6) All fines imposed and damages awarded pursuant to this section are a lien upon the real and personal property of the violator or violators, enforceable by the Department of Environmental Protection ~~Natural Resources~~ as are statutory liens under chapter 85.

Section 71. Section 253.05, Florida Statutes, is amended to read:

253.05 Prosecuting officers to assist in protecting state lands.—State attorneys, other prosecuting officers of the state or county, wildlife officers of the Florida Game and Fresh Water Fish Commission, conservation officers, together with the Secretary executive director of Environmental Protection ~~the Department of Natural Resources~~, and county sheriffs and their deputies shall see that the lands owned by the state, as described in ss. 253.01 and 253.03, shall not be the object of damage, trespass, depredation, or unlawful use by any person. The said officers and their deputies shall, upon information that unlawful use is being made of state lands, report the same, together with the information in their possession relating

thereto, to the Board of Trustees of the Internal Improvement Trust Fund and shall cooperate with the said board in carrying out the purposes of ss. 253.01-253.04 and this section. State attorneys and other prosecuting officers of the state or any county, upon request of the Governor or Board of Trustees of the Internal Improvement Trust Fund, shall institute and maintain such legal proceedings as may be necessary to carry out the purpose of said sections.

Section 72. Paragraph (a) of subsection (7) of section 253.12, Florida Statutes, is amended to read:

253.12 Title to tidal lands vested in state.—

(7)(a) In order to assist it in making the determination required by paragraph (2)(a), the board shall require that a biological survey and an ecological study of the lands or interests therein proposed to be sold or conveyed pursuant to any particular application be made, and, when determined by the Department of Environmental Protection Natural Resources to be necessary, that a hydrographic survey be made. All such surveys and studies shall be made by or under the direction of the Department of Environmental Protection Natural Resources, which shall make a report of all such surveys and studies to the board together with its recommendations. The board may adopt regulations requiring that the cost of making any such survey and report be paid by the applicant for purchase of such lands, requiring a deposit by the applicant sufficient to ensure such payment, and providing procedures to be followed in applying for and obtaining such survey and report.

Section 73. Section 253.1241, Florida Statutes, is amended to read:

253.1241 Studies.—~~The Department of Natural Resources, or the Department of Environmental Protection Regulation, where appropriate,~~ shall have a period of 90 days, after application therefor, in which to make the studies and surveys required by s. 253.12. The Board of Trustees of the Internal Improvement Trust Fund and others required by those sections to obtain such studies and surveys shall request them within 30 days after the receipt of an application for sale or for a dredge or fill permit, as the case may be.

Section 74. Section 253.126, Florida Statutes, is amended to read:

253.126 Legislative intent.—The limitations and restrictions imposed by this chapter as amended by chapter 67-393 upon the construction of islands or the extension or addition to existing lands or islands bordering on or being in the navigable waters, as defined in s. 253.12, shall apply to the state, its agencies and all political subdivisions and governmental units. No other general or special act shall operate to grant exceptions to this section unless this section is specifically repealed thereby.

(1) Notwithstanding any other provision of this chapter, the Department of Environmental Protection Regulation may authorize, by rule, the Department of Transportation to perform any activity covered by this chapter, upon certification by the agency that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as such statute, rule, or standard applies to a governmental program. To this end, the department may accept such certification of compliance for programs of the agency, conduct investigations for compliance, and, if a violation is found to exist, take all necessary enforcement action pertaining thereto, including, but not limited to, the revocation of certification. The authorization shall be by rule of the department, shall be limited to the

maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the agency with specific guidelines or requirements which are set forth in the formal acceptance and deemed necessary by the department to assure future compliance with this chapter and applicable department rules. Failure of the agency to comply with any provision of the written acceptance shall constitute grounds for its revocation by the department.

(2) The provisions of chapter 120 shall be accorded any person where substantial interests will be affected by an activity proposed to be conducted by such agency pursuant to its certification and the department's acceptance. If a proceeding is conducted pursuant to s. 120.57, the department may intervene as a party. Should a hearing officer of the Division of Administrative Hearings of the Department of Management Services submit a recommended order pursuant to s. 120.57, the Department of Environmental ~~Protection Regulation~~ shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

Section 75. Subsection (1) of section 253.45, Florida Statutes, is amended to read:

253.45 Sale or lease of phosphate, clay, minerals, etc., in or under state lands.

(1) The Board of Trustees of the Internal Improvement Trust Fund may sell or lease any phosphate, earth or clay, sand, gravel, shell, mineral, metal, timber or water, or any other substance similar to the foregoing, in, on, or under, any land the title to which is vested in the state, the Department of Management Services, the Department of ~~Environmental Protection~~ Natural Resources, the Game and Fresh Water Fish Commission, the State Board of Education, or any other state board, department, or agency; provided that the board of trustees may not grant such a sale or lease on the land of any other state board, department, or agency without first obtaining approval therefrom. No sale or lease provided for in this section shall be allowed on hard-surfaced beaches that are used for bathing or driving and areas contiguous thereto out to a mean low-water depth of 3 feet and landward to the nearest paved public road. Any sale or lease provided for in this section shall be conducted by competitive bidding as provided for in ss. 253.52, 253.53, and 253.54. The proceeds of such sales or leases are to be credited to the board of trustees, board, department, or agency which has title or control of the land involved.

Section 76. Subsection (3) of section 253.67, Florida Statutes, is amended to read:

253.67 Definitions.—As used in ss. 253.67-253.75:

(3) "Department" means the Department of ~~Environmental Protection~~ Natural Resources.

Section 77. Subsection (2) of section 253.74, Florida Statutes, is amended to read:

253.74 Penalties.—

(2) Any person who is found by ~~the Department of Natural Resources or the department of Environmental Regulation~~ to have violated the provisions of chapter 403 shall be subject to having his lease of state-owned submerged lands canceled.

Section 78. Section 253.75, Florida Statutes, is amended to read:

253.75 Studies and recommendations by the department of ~~Natural Resources~~ and the Game and Fresh Water Fish Commission; designation of recommended traditional and other use zones; supervision of aquaculture operations.—

(1) Prior to the granting of any lease under this act, the board shall request a recommendation by the department of ~~Natural Resources~~, when the application relates to tidal bottoms, and by the Game and Fresh Water Fish Commission, when the application relates to bottom land covered by fresh water. Such recommendations shall be based on such factors as an assessment of the probable effect of the proposed leasing arrangement on the lawful rights of riparian owners, navigation, commercial and sport fishing, and the conservation of fish or other wildlife or other natural resources, including beaches and shores.

(2) The department and the Game and Fresh Water Fish Commission shall both have the following responsibilities with respect to submerged land and water column falling within their respective jurisdictions:

(a) To undertake, or cause to be undertaken, the studies and surveys necessary to support their respective recommendations to the board;

(b) To institute procedures for supervising the aquaculture activities of lessees holding under this act and reporting thereon from time to time to the board; and

(c) To designate in advance areas of submerged land and water column owned by the state for which they recommend reservation for uses that may possibly be inconsistent with the conduct of aquaculture activities. Such uses shall include, but not be limited to, recreational, commercial and sport fishing and other traditional uses, exploration for petroleum and other minerals, and scientific instrumentation. The existence of such designated areas shall be considered by the board in granting leases under this act.

Section 79. Subsections (1) and (2) of section 253.77, Florida Statutes, are amended to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested.—

(1) No person may commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the department of ~~Natural Resources~~ under this chapter, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.

(2) The permitting agency shall, within 30 days after receipt of a permit application, notify the applicant and the ~~Secretary executive director of Environmental Protection the Department of Natural Resources~~ or his designee that a lease, license, easement, or other form of consent of the Board of Trustees of the Internal Improvement Trust Fund authorizing the proposed use may be required. However, this subsection does not apply to any permit, license, or other form of consent to take the regulated action which was issued and outstanding on July 1, 1980.

Section 80. Subsections (2), (3), and (4) of section 253.781, Florida Statutes, are amended to read:

253.781 Retention of state-owned lands along former Cross Florida Barge Canal route; creation of Cross Florida Greenways State Recreation and Conservation Area; authorizing transfer to the Federal Government for inclusion in Ocala National Forest.—

(2) ~~The department of Natural Resources~~ is authorized to transfer for consideration ownership of all lands or interests in lands previously owned by the canal authority contained within the existing boundary of the Ocala National Forest and any extension of the boundary of the Ocala National Forest in Putnam County to the United States Department of Agriculture for the purpose of inclusion in the Ocala National Forest.

(3) ~~The Board of Trustees of the Internal Improvement Trust Fund Governor and Cabinet as the head of the Department of Natural Resources~~ may acquire by purchase, exchange of other state lands, or the exercise of the power of eminent domain the fee title to lands acquired in less-than-fee title and to privately owned lands that break the continuity of publicly owned lands within the original canal corridor as specified in the University Planning Team Greenway Management Plan along the canal route, using canal authority assets transferred to the department; using state, local, or federal funds dedicated to acquiring lands for conservation and recreation; or using funds from the Cross Florida Barge Canal Trust Fund. The Legislature finds that such exercise of the power of eminent domain to accomplish the purposes of this section is necessary and for a public purpose. Such power of eminent domain must be exercised pursuant to chapter 73.

(4) Lands transferred pursuant to this section by the department of ~~Natural Resources~~ may reserve existing road rights-of-way.

Section 81. Subsections (2), (3), and (4) of section 253.782, Florida Statutes, are amended to read:

253.782 Retention of state-owned lands in and around Lake Rousseau and the Cross Florida Barge Canal right-of-way from Lake Rousseau west to the Withlacoochee River.—

(2) ~~The department of Natural Resources~~ is authorized and directed to retain ownership of and maintain all lands or interests in land owned by the Board of Trustees of the Internal Improvement Trust Fund including all fee and less-than-fee interests in lands previously owned by the canal authority in Lake Rousseau and the Cross Florida Barge Canal right-of-way from Lake Rousseau at U.S. Highway 41 west to and including the Withlacoochee River.

(3) ~~The Board of Trustees of the Internal Improvement Trust Fund Governor and Cabinet as head of the Department of Natural Resources~~ may acquire by purchase, exchange of other state lands, or the exercise of the power of eminent domain the fee title to any less-than-fee title interest in land owned by the Board of Trustees of the Internal Improvement Trust Fund, including interests previously owned by the canal authority, as described in subsection (2). The Legislature finds that such exercise of the power of eminent domain to accomplish the purposes of this section is necessary and for a public purpose. Such power of eminent domain shall be exercised pursuant to the provisions of chapter 73.

~~(4) The Department of Natural Resources shall recommend to the Governor and Cabinet the establishment of an interagency advisory committee to report to~~

the department regarding restoration and management of the Withlacoochee River, with special emphasis on control of saltwater intrusion.

Section 82. Subsection (1) of section 253.7821, Florida Statutes, is amended to read:

253.7821 Cross Florida Greenways State Recreation and Conservation Area assigned to the Office of the Executive Director.—

(1) The Cross Florida Greenways State Recreation and Conservation Area is hereby established and is initially assigned to the Office of Greenways Management within the Office of the ~~Secretary Executive Director in the Department of Natural Resources~~. The office shall manage the greenways pursuant to the department's existing statutory authority until administrative rules are adopted by the department. However, the provisions of this act shall control in any conflict between this act and any other authority of the department.

Section 83. Subsection (1) of section 253.7823, Florida Statutes, is amended to read:

253.7823 Disposition of surplus lands; compensation of counties located within the Cross Florida Canal Navigation District.—

(1) The department of ~~Natural Resources~~ shall identify parcels of former barge canal lands which may be sold or exchanged as needed to repay the counties of the Cross Florida Canal Navigation District any sums due them pursuant to s. 253.783(2)(e). In identifying said surplus lands, the department shall give priority consideration to lands situated outside the greenways' boundaries, those not having high recreation or conservation values, and those having the greatest assessed valuations. Although the department shall immediately begin to identify the parcels of surplus lands to be sold, the department shall offer the lands for sale in a manner designed to maximize the amounts received over a reasonable period of time.

Section 84. Subsection (1) and paragraph (c) of subsection (4) of section 253.7825, Florida Statutes, are amended to read:

253.7825 Recreational uses.—

(1) The Cross Florida Greenways State Recreation and Conservation Area must be managed as a multiple-use area pursuant to s. 253.034(1)(a), and as further provided herein. The University of Florida Management Plan provides a conceptual recreational plan that may ultimately be developed at various locations throughout the greenways corridor. The plan proposes to locate a number of the larger, more comprehensive and complex recreational facilities in sensitive, natural resource areas. Future site-specific studies and investigations must be conducted by the department of ~~Natural Resources~~ to determine compatibility with, and potential for adverse impact to, existing natural resources, need for the facility, the availability of other alternative locations with reduced adverse impacts to existing natural resources, and the proper specific sites and locations for the more comprehensive and complex facilities. Furthermore, it is appropriate, with the approval of the department of ~~Natural Resources~~, to allow more fishing docks, boat launches, and other user-oriented facilities to be developed and maintained by local governments.

(4)

(c) Resources-based recreational activities associated with the horsepark-agricultural center, including, but not limited to, recreational trails, trails for endurance or competitive riding, steeplechase, and other related activities may be permitted within the greenways boundary. The greenways managing entity ~~headed by the Governor and Cabinet~~ shall retain jurisdiction over such activities occurring within the greenways boundary.

Section 85. Section 253.7826, Florida Statutes, is amended to read:

253.7826 Canal structures.—

(1) Before making a final decision on the disposition of the Inglis Lock, the department must gather the following additional information to assess the situation and justify the final decision:;

(a) Determine and explain the functions of the current lock and flow control structures, especially their function in flood control and weed control.

(b) Determine the operating conditions of these structures and recommend alternative design strategies to improve the current functions provided by existing works that will result in efficient operating and maintenance costs.

(c) Determine the navigability options provided by the current works and determine how these features can be reasonably maintained by an alternative design of the works.

Based on the additional information gathered, the department's recommendations must be presented to the Board of Trustees of the Internal Improvement Trust Fund ~~Governor and Cabinet~~ and to the Legislature by July 1, 1994.

(2) Prior to a final determination of the disposition of the canal works impounding the Oklawaha River at the Rodman Reservoir being made, the department of ~~Natural Resources~~ shall study the efficacy, both environmental and economic, of complete restoration of the Oklawaha River, partial restoration of the river, total retention of the Rodman Reservoir, and partial retention of the reservoir. The department shall contact the U.S. Army Corps of Engineers to determine what elements of its study would mirror a federal environmental impact statement if required by the Corps before issuing permits regarding the disposition of the canal works. Based on all relevant information, including that obtained under this subsection, the efficacy of the options for restoring the Oklawaha River, retaining the Rodman Reservoir, and partial restoration or retention shall be summarized and evaluated by the department. The department shall present its findings and recommendations to the Board of Trustees of the Internal Improvement Trust Fund ~~Governor and Cabinet~~, the President of the Senate, and the Speaker of the House of Representatives by January 1, 1995. The final determination as to the disposition of the Rodman Reservoir shall be made following the submission of these findings and recommendations.

Section 86. Section 253.7829, Florida Statutes, is amended to read:

253.7829 Management plan for retention or disposition of former Cross Florida Barge Canal lands; authority to manage lands until disposition.—

(1) It is declared to be in the public interest that the department of ~~Natural Resources~~ shall do and is hereby authorized to do any and all things and incur and pay from the Cross Florida Barge Canal Trust Fund or from the canal authority assets, for the public purposes described herein, any and all expenses necessary, convenient, and proper to:

(a) Develop a management plan for the retention or disposition of lands acquired for the Cross Florida Barge Canal to be submitted to the Governor and Cabinet no later than 2 years after the date of enactment of the Cross Florida Barge Canal deauthorization act, which plan shall reflect a consideration of alternatives for disposition as provided in this section of all lands in fee or less than fee owned by the Board of Trustees of the Internal Improvement Trust Fund, including those lands previously owned by the canal authority and the United States Army Corps of Engineers, and lands to be transferred to the state by the United States Army Corps of Engineers. The management plan shall establish a plan for delineating the specific boundaries of the Cross Florida Greenways State Recreation and Conservation Area. The Legislature intends that such boundaries include, at a minimum, a 300-yard-wide corridor, except where the original corridor is a lesser width or except in areas where bridges and roads cross the canal corridor, on former canal lands within the original canal corridor extending from the St. Johns River to the Gulf of Mexico, including all of the Oklawaha River Valley and Rodman Reservoir, and all canal works in all areas whether completed and in use or not, but excluding all parts of Lake Rousseau. Such boundaries may include other former canal lands according to the following criteria:

1. The proximity of the lands to former canal corridor lands.
2. The environmental sensitivity or importance of the lands or its characteristics as a unique or significant wildlife habitat.
3. The proximity of the lands to existing state or federal land which is maintained, at least in part, as natural wildlife habitat, so that the addition of the parcel would function as a wildlife corridor, or as additional habitat.
4. The potential of the lands to be developed as outdoor recreation lands.

Commercially valuable parcels, including those parcels near road crossings, within the canal corridor which do not meet the criteria of subparagraphs 1.-4. and other former canal lands which are not included within the boundaries of the Cross Florida Greenways State Recreation and Conservation Area under the criteria of subparagraphs 1.-4., may be disposed of as surplus lands pursuant to s. 253.783(2)(a)-(d). Such alternatives for disposition will include retention by the state or any agency thereof for the specific public purposes outlined in this paragraph or by the counties or adjacent municipalities for recreational or conservation purposes, and a declaration of lands not to be retained as surplus lands to be disposed of pursuant to s. 253.783(2)(a)-(d). The management plan shall also address any remedial measures necessary to correct any environmental or economic damage caused by works constructed as a part of or as a result of the Cross Florida Barge Canal.

(b) Operate and maintain existing lands and interests in lands, appurtenances, structures, and facilities. Operation and maintenance of water control structures may be delegated by the department to the St. Johns River Water Management District or the Southwest Florida Water Management District, as necessary.

Rights-of-way necessary for the construction and maintenance of electric transmission lines may be authorized.

(2)(e) The development of hydroelectric power is a compatible use of greenway land and may be considered by the Board of Trustees of the Internal Improvement Trust Fund as an allowable use within the greenways of Lake Rousseau and the lower Withlacoochee River, provided that such hydroelectric power complies with all requisite state and federal environmental and water management standards.

(3)(a)(d)1- Before taking any action to control the rhesus monkey population located in Marion County, the Florida Game and Fresh Water Fish Commission shall conduct a study of the options available to them to deal with control of the rhesus monkeys located within a 10-mile radius of the convergence of the Oklawaha and Silver Rivers. The options studied shall include but not be limited to:

1.a- Developing a management plan to allow the monkeys to remain in their present locations.

2.b- Relocating all or some of the monkeys to appropriate private state or federal lands in the United States.

3.e- Sterilizing all or some of the monkeys, regardless of whether they remain in their present location or are relocated.

4.d- Euthanizing all or some of the monkeys.

(b)2- During the time the study is being conducted, the Florida Game and Fresh Water Fish Commission may control monkeys that constitute a threat to visitors to such area. Such control includes, but is not limited to, the right to deny public access to any area where the monkeys are known to congregate. The Florida Game and Fresh Water Fish Commission shall post adequate warning signs in areas to which the public is denied access.

(c)3- The Florida Game and Fresh Water Fish Commission may consult with any other local or state agency while conducting the study and may subcontract with any such agency to complete the study.

(d)4- The study of the options shall be delivered to the Board of Trustees of the Internal Improvement Trust Fund.

(e)6- Nothing in this subsection paragraph affects the signed agreement between the department of Natural Resources and the Silver Springs Attraction regarding the relocation of rhesus monkeys from Silver River State Park to the attraction, and such agreement continues to be valid.

(4) The Board of Trustees of the Internal Improvement Trust Fund Governor and Cabinet may authorize the sale or exchange of surplus lands within the former Cross Florida Barge Canal project corridor and the acquisition of privately owned lands or easements over such privately owned lands within the project corridor necessary for purposes of completing a continuous corridor or for other management purposes provided by law. However, such acquisition shall be funded from the proceeds of any sale or exchange of surplus canal lands after repayment to the counties, as provided in s. 253.783(2)(e), or from other funds appropriated by the Legislature.

(5)(2) The management plan shall specifically and in sufficient detail address the canal corridor lands comprising the Oklawaha River Valley, identifying the

recreational and scientific management options which are environmentally desirable and cost-effective. The management plan shall be consistent with the ultimate aim of developing an overall integrated management plan for continued preservation of the entire Oklawaha River Valley ecosystem.

~~(6)(2)(a)~~ The management plan shall be prepared by the Canal Authority of the State of Florida, with the assistance of the department of Natural Resources and the advisory committee established under s. 253.783(2)(f). The management plan shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the Senate and the House of Representatives, and the chairmen of the Senate Committee on Natural Resources and Conservation and the House Committee on Natural Resources, no later than 2 years from the deauthorization of the Cross Florida Barge Canal. Operation and maintenance of water control structures shall be delegated to the Southwest Florida Water Management District and the St. Johns River Water Management District or a responsible entity contracted by the districts during the period from November 28, 1992, until the management plan is completed by the canal authority and is adopted by the Legislature. The final disposition of the water control structures must be outlined in this management plan as adopted by the Legislature. Such plan shall not be implemented until state legislation specifically directing implementation of the submitted plan or a modified plan, as recommended, becomes effective.

~~(b)~~ However, the advisory committee may recommend for approval by the canal authority the use of lands owned by the canal authority within the boundaries of the Cross Florida Greenbelt Recreation and Conservation Area before the management plan is completed if the advisory committee determines that:

- ~~1.~~ The proposed use is sponsored by a local government or state agency;
- ~~2.~~ The failure of the canal authority to act before the adoption of the management plan will create a significant financial hardship on that local government or state agency or cause the local government or state to permanently forego significant public benefits; and
- ~~3.~~ The proposed use meets all other federal, state, and local permitting and land use requirements.

~~The approval of a proposed land use under this paragraph requires an affirmative vote of at least five members of the canal authority. The advisory committee must report in the management plan all prior approved land uses.~~

Section 87. Subsection (1) of section 253.783, Florida Statutes, is amended to read:

253.783 Additional powers and duties of the department of Natural Resources; disposition of surplus lands; payments to counties.—

(1) The department of Natural Resources shall make no further expenditures for the purpose of acquiring land for constructing, operating, or promoting a canal across the peninsula of Florida connecting the waters of the Atlantic Ocean with the waters of the Gulf of Mexico via the St. Johns River.

Section 88. Section 253.784, Florida Statutes, is amended to read:

253.784 Contracts.—The department of ~~Natural Resources~~ shall have the power and authority to enter into any and all contracts necessary or convenient to the exercise of any of the powers granted to the department by this act. The department is authorized to assign, transfer, and convey to the United States, or to any appropriate agency thereof, such assets, franchises, and property, or interests therein, of the department, including lands, easements, and rights-of-way acquired by the state, and to accept moneys for the same as may be necessary or convenient to the exercise of such powers consistent with this act. The department is authorized to receive by dedication, grant, or transfer any fee or less-than-fee lands owned by the United States Army Corps of Engineers. The department is authorized to enter into agreements with the Federal Government for restoration of areas or receipt of funds for restoration of areas in and around Lake Rousseau, the Cross Florida Barge Canal right-of-way from Lake Rousseau to the Withlacoochee River, the Withlacoochee River, and the Cross Florida Barge Canal right-of-way from the eastern boundary of the expanded Ocala National Forest to the St. Johns River.

Section 89. Subsection (3) of section 255.259, Florida Statutes, is amended to read:

255.259 Xeriscape landscaping on public property.—

(3) The Department of Management Services, in consultation with the Department of Environmental ~~Protection Regulation and the Department of Natural Resources~~, shall, ~~by June 30, 1992~~, adopt rules and guidelines for the required use of Xeriscape on public property associated with publicly owned buildings or facilities constructed after June 30, 1992. The Department of Management Services also shall develop a 5-year program for phasing in the use of Xeriscape on public property associated with publicly owned buildings or facilities constructed before July 1, 1992. In accomplishing these tasks, the Department of Management Services shall take into account the guidelines set out in s. 373.185(2)(a)-(f). The Department of Transportation shall implement Xeriscape landscaping pursuant to s. 335.167.

Section 90. Section 255.565, Florida Statutes, is amended to read:

255.565 Asbestos Oversight Program Team.—There is created an Asbestos Oversight Program Team which shall consist of the Asbestos Program Coordinator appointed by the Secretary of Labor and Employment Security, one member appointed by the Secretary of Health and Rehabilitative Services, one member appointed by the Secretary of Environmental Protection Regulation, one member appointed by the Secretary of Professional Regulation, one member appointed by the Secretary of Transportation, one member appointed by the Chancellor of the State University System, one member appointed by the Department of Education, and one member appointed by the secretary of the Department of Management Services. The Asbestos Oversight Program Team shall be responsible for asbestos policy development, regulatory review, asbestos training course approval, and coordination with regional asbestos project managers and building contact persons on policy and procedures.

Section 91. Subsection (1) of section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(1) It shall be the duty of the Division of Recreation and Parks of the Department of ~~Environmental Protection Natural Resources~~ to supervise, administer, regulate, and control the operation of all public parks, including all monuments, memorials, sites of historic interest and value, sites of archaeological interest and value owned, or which may be acquired, by the state, or to the operation, development, preservation, and maintenance of which the state may have made or may make contribution or appropriation of public funds.

Section 92. Subsection (1) of section 258.015, Florida Statutes, is amended to read:

258.015 Citizen support organizations; use of property; audit.—

(1) DEFINITIONS.—For the purpose of this section, a “citizen support organization” means an organization which is:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the state park system or individual units of the state park system;

(c) Determined by the Division of Recreation and Parks of the Department of ~~Environmental Protection Natural Resources~~ to be consistent with the goals of the state park system and in the best interests of the state; and

(d) Approved in writing by the division to operate for the direct or indirect benefit of the state park system or individual units of the state park system. Such approval shall be given in a letter of agreement from the division.

Section 93. Subsection (1) of section 258.024, Florida Statutes, is amended to read:

258.024 Police powers of park law enforcement officers.—

(1) The ~~Secretary of Environmental Protection is Governor and Cabinet as the head of the Department of Natural Resources~~ are authorized to designate the director of the Division of Recreation and Parks. The director shall determine such number of park law enforcement officers as may be deemed necessary at each park site to be constituted police officers having the following powers:

(a) To make arrests without warrant under circumstances set forth in s. 901.15:

1. Only when the violations occur upon lands under jurisdiction of the division or upon lands title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund and not under lease to another entity, except those sovereign lands which are not under the jurisdiction of the Division of Recreation and Parks; and

2. Only if such park law enforcement officers have been certified in compliance with s. 943.1395 or are on temporary waiver as provided by s. 943.131 until certified; however, such employees are not eligible for membership in the Special Risk Class of the Florida Retirement System.

(b) To bear arms while in the performance of their official duties.

(c) To have the powers of search and seizure, as set forth in s. 901.21.

Section 94. Section 258.09, Florida Statutes, is amended to read:

258.09 Rauscher Park designated.—There is designated and established as a state park to be known as Rauscher Park, in Escambia County, the lands lying between the Big Lagoon and the Gulf of Mexico, now owned by Escambia County, or hereafter acquired by Escambia County, adjacent or contiguous thereto, from private owners or from the United States Government; and the board of county commissioners of Escambia County may execute proper conveyance to the board of commissioners of state institutions covering the property now owned by Escambia County, as aforesaid, and said board of county commissioners of Escambia County may acquire in the name of the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources any property adjacent or contiguous thereto, from private owners or from the United States Government; and said division may accept in the name of the state the title to any such lands, whether from said Escambia County, or whether same be property acquired from private owners or the United States Government.

Section 95. Section 258.10, Florida Statutes, is amended to read:

258.10 Division of Recreation and Parks to supervise and maintain Rauscher Park.—After the conveyance of said lands and such additional land as may, from time to time, be acquired, under the provisions of s. 258.09, said lands shall be deemed and held to be a state park, under the supervision of the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources, and the said division is charged with the duty of providing for the development, care, upkeep, maintenance and beautification of said Rauscher Park.

Section 96. Subsection (2) of section 258.15, Florida Statutes, is amended to read:

258.15 St. Michael's Cemetery designated a state park.—

(2) The Division of Recreation and Parks of the Department of Environmental Protection Natural Resources shall manage and operate the said cemetery and shall be authorized to make such reasonable rules and regulations with respect to the said cemetery as the said division shall deem necessary for the orderly operation, protection and preservation of said cemetery. However, this section shall not be construed to prevent, and no rule and regulation shall be made which will prevent, the continued interment of bodies in the cemetery lots which are privately owned.

Section 97. Subsection (2) of section 258.155, Florida Statutes, is amended to read:

258.155 Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.—

(2) Members of the advisory council shall be appointed by the Governor for 4-year staggered terms. Initially, the Governor shall appoint two members for terms of 4 years, one member for a term of 3 years, and two members for terms of 2 years. Three of the members shall be appointed from the membership of the Judah P. Benjamin Chapter of the United Daughters of the Confederacy. One member shall be appointed from the membership of the Manatee County Historical Commission, and one member shall be appointed at large from Manatee Coun-

ty. Members shall serve without compensation. It shall be the duty of the advisory council to advise the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources in the operation, restoration, development, and preservation of the Judah P. Benjamin Memorial at Gamble Plantation Historical Site.

Section 98. Paragraphs (b) and (e) of subsection (3) and subsections (5) and (6) of section 258.397, Florida Statutes, are amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(3) **AUTHORITY OF TRUSTEES.**—The Board of Trustees of the Internal Improvement Trust Fund is authorized and directed to maintain the aquatic preserve hereby created pursuant and subject to the following provisions:

(b) No further dredging or filling of submerged lands of the preserve shall be approved or tolerated by the board of trustees except:

1. Such minimum dredging and spoiling as may be authorized for public navigation projects or for such minimum dredging and spoiling as may be constituted as a public necessity or for preservation of the bay according to the expressed intent of this section.

2. Such other alteration of physical conditions, including the placement of rip-rap, as may be necessary to enhance the quality and utility of the preserve.

3. Such minimum dredging and filling as may be authorized for the creation and maintenance of marinas, piers, and docks and their attendant navigation channels and access roads. Such projects may only be authorized upon a specific finding by the board of trustees that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality and utility of the preserve. This subparagraph shall not authorize the connection of upland canals to the waters of the preserve.

4. Such dredging as is necessary for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, islands, and spoil banks, the dredging of which would enhance the aesthetic and environmental quality and utility of the preserve and be clearly in the public interest as determined by the board of trustees.

Any dredging or filling under this subsection or improvements under subsection (5) shall be approved only after public notice and, upon the request of any person, a public hearing in the area affected; however, the public notice and meeting requirements of this subsection shall not apply to general permits issued under s. 403.814. Nothing herein shall be construed to abrogate the rights of any person under the provisions of chapter 120. In addition to any public notice otherwise required by law, public notice pursuant to this subsection shall be provided by United States mail to any person who requests, in writing, to have his name placed on a mailing list by the Department of Environmental Protection Regulation.

(e) Notwithstanding other provisions of this section, the board of trustees may, respecting lands lying within Biscayne Bay:

1. Enter into agreements for and establish lines delineating sovereignty and privately owned lands.

2. Enter into agreements for the exchange of, and exchange, sovereignty lands for privately owned lands.

3. Accept gifts of land within or contiguous to the preserve.

4. Negotiate for, and enter into agreements with owners of lands contiguous to sovereignty lands for, any public and private use of any of such lands.

5. Take any and all actions convenient for, or necessary to, the accomplishment of any and all of the acts and matters authorized by this paragraph.

6. Conduct restoration and enhancement efforts in Biscayne Bay and its tributaries.

7. Stabilize eroding shorelines of Biscayne Bay and its tributaries that are contributing to turbidity by planting natural vegetation to the greatest extent feasible and by the placement of riprap, as determined by Dade County in conjunction with the Department of Environmental Protection Regulation.

8. Request the South Florida Water Management District to enter into a memorandum of understanding with ~~the Department of Natural Resources~~, the Department of Environmental Protection Regulation, the Biscayne National Park Service, the Metro-Dade County Department of Environmental Resources Management and, at their option, the Corps of Engineers to include enhanced marine productivity in Biscayne Bay as an objective when operating the Central and Southern Florida Flood Control projects consistently with the goals of the water management district, including flood protection, water supply, and environmental protection.

(5) RIPARIAN RIGHTS.—Neither the establishment nor the management of the Biscayne Bay Aquatic Preserve shall operate to infringe upon the riparian rights of upland property owners adjacent to or within the preserve. Reasonable improvement for ingress and egress, mosquito control, shore protection, public utility expansion, and similar purposes may be permitted by the board of trustees or Department of Environmental Protection Regulation, subject to the provisions of any other applicable laws under the jurisdiction of other agencies.

(6) DISCHARGE OF WASTES PROHIBITED.—No wastes or effluents which substantially inhibit the accomplishment of the purposes of this section shall be discharged into the preserve. In order to ensure that these objectives are met, the following shall be required:

(a) The Department of Environmental Protection Regulation, in cooperation with the South Florida Water Management District and Dade County, shall investigate stormwater management practices within the watershed and shall develop a corrective plan for management and treatment of stormwater. The plan shall provide for retrofitting of stormwater outfalls causing the greatest environmental damage to the bay.

(b) The Department of Environmental Protection Regulation, in cooperation with ~~the Department of Natural Resources~~ and Dade County, shall develop a program to regulate the use of pumpout facilities in the Biscayne Bay area and along the Miami River.

(c) The Department of Environmental Protection Natural Resources, in cooperation with ~~the Department of Environmental Regulation~~ and Dade County, shall

develop a program to eliminate, to the greatest extent possible, the discharge of oil and other pollutants from ships and to remove derelict vessels from the Miami River and the Biscayne Bay area.

Section 99. Subsection (1) and paragraph (d) of subsection (3) of section 258.42, Florida Statutes, are amended to read:

258.42 Maintenance of preserves.—The Board of Trustees of the Internal Improvement Trust Fund shall maintain such aquatic preserves subject to the following provisions:

(1) No further sale, lease, or transfer of sovereignty submerged lands shall be approved or consummated by the trustees except when such sale, lease, or transfer is in the public interest. For purposes of this subsection, aquaculture is presumed to be in the public interest and is limited to culture activities in those areas which will not destroy grassbeds, corals or other benthic organisms, natural flow of waters, or other natural values which designation of the area as an aquatic preserve was intended to protect, as further specified by rules of the Department of Environmental Protection ~~Natural Resources~~.

(3)

(d) There shall be no excavation of minerals, except the dredging of dead oyster shells as approved by the Department of Environmental Protection ~~Natural Resources~~.

Section 100. Paragraph (c) of subsection (3) of section 258.43, Florida Statutes, is amended to read:

258.43 Rules and regulations.—

(3) The Board of Trustees of the Internal Improvement Trust Fund may delegate to a local government, by agreement, the power and duty to administer and enforce the standards and criteria established in a resource inventory and management plan adopted by the board, if the board determines that such a delegation is in the public interest.

(c) The board shall give prior notice of its intention to enter into an agreement as described in this subsection. At a minimum, such notice shall be published in the Florida Administrative Weekly at least 21 days in advance of the board's action. The Division of State Lands of the Department of Environmental Protection ~~Natural Resources~~ shall update its rules annually to include a list of the management agreements adopted pursuant to this subsection. The list shall identify the parties to, and the date and location of, each agreement, and shall specify the nature of the authority delegated by the agreement.

Section 101. Subsection (3), paragraph (a) of subsection (7), and paragraph (a) of subsection (9) of section 258.501, Florida Statutes, are amended to read:

258.501 Myakka River; wild and scenic segment.—

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

(a) "Activity" means the doing of any act or the failing to do any act, whether by a natural person or a corporation.

(b) "Agreement" means the interagency operating agreement between the department, the Department of Community Affairs, and Sarasota County or the City of North Port.

(c) "Coordinating council" means the council created by subsection (7).

(d) "Department" means the Department of Environmental Protection Natural Resources.

(e) "Division" means the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources.

~~(f) "Executive board" means the Governor and Cabinet sitting as the head of the Department of Natural Resources.~~

~~(f)(g)~~ "Major infrastructure facility" means a manmade structure which serves the common needs of the population, such as a central sewage disposal system, potable water system, potable water well serving a system, solid waste disposal site or retention area, stormwater system, utility, causeway, marina, bridge, or roadway.

~~(g)(h)~~ "Person" means an individual, corporation, governmental agency or institution thereof, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or other legal entity.

~~(h)(i)~~ "Resource value" means any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the coordinating council.

~~(i)(j)~~ "River area" means that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor including the maximum upland extent of wetlands vegetation as determined by the former Department of Environmental Regulation pursuant to chapter 403 and chapters 17-3 and 17-312, Florida Administrative Code.

~~(j)(k)~~ "Wild and scenic protection zone" means an area which extends 220 feet landward from the river area.

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department of Environmental Regulation, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(9) RULEMAKING AUTHORITY.—

(a) The department is authorized to adopt rules to regulate activities within the river area which have adverse impact on resource values as adopted by the co-

ordinating council within the river area, ~~subject to ratification by the executive board.~~

Section 102. Subsection (1) and paragraph (a) of subsection (2) of section 259.035, Florida Statutes, are amended to read:

259.035 Advisory council; powers and duties.—

(1) There is created a Land Acquisition Advisory Council to be composed of the secretary and a designee of the department of ~~Environmental Protection~~, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Game and Fresh Water Fish Commission, the director of the Division of Historical Resources of the Department of State, and the secretary of the Department of Community Affairs, or their respective designees. The chairmanship of the council shall rotate annually in the foregoing order. The council shall hold periodic meetings at the request of the chairman. The department of ~~Natural Resources~~ shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recordings shall be preserved pursuant to chapters 119 and 257. The department of ~~Natural Resources~~ may adopt any rule or form necessary to implement this section.

(2)(a) The council shall, by the time of the first board meeting in February of each year, establish or update a list of acquisition projects selected for purchase pursuant to this chapter or s. 253.023. Acquisition projects shall be ranked, in order of priority, individually as a single group or individually within up to 10 separate groups. For each project on an acquisition list, the council shall include in its report to the board of trustees the stated purpose for acquiring the project, an estimate of land value based on county tax assessed values, a map delineating project boundaries, a brief description of the important natural and cultural resources to be protected, preacquisition planning and budgeting, coordination with other public and nonprofit public-lands acquisition programs, a preliminary statement of the extent and nature of public use, an interim management budget, and designation of a management agency or agencies. The department of ~~Natural Resources~~ shall prepare the information required by this section for each acquisition project selected for purchase pursuant to this chapter or s. 253.023.

Section 103. Section 259.045, Florida Statutes, is amended to read:

259.045 Purchase of lands in areas of critical state concern; recommendations by department.—Within 45 days of the designation by the Administration Commission of an area as an area of critical state concern under s. 380.05, the department of ~~Natural Resources~~ shall consider the recommendations of the state land planning agency pursuant to s. 380.05(1)(a) relating to purchase of lands within the proposed area and shall make recommendations to the board with respect to the purchase of the fee or any lesser interest in any lands situated in such area of critical state concern as environmentally endangered lands or outdoor recreation lands. The department may make recommendations with respect to additional purchases which were not included in the state land planning agency recommendations.

Section 104. 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. The proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the department of ~~Natural Resources~~ in the following manner:

(a) Fifty percent to the department of ~~Natural Resources~~ for the purchase of public lands as described in s. 253.023. 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 Regulation~~ 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 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. Of this 10 percent, one-half shall be matched by local governments on a dollar-for-dollar basis. An additional one-tenth shall be used specifically for matching grants, also on a dollar-for-dollar basis, to counties which submit projects for acquisitions within areas of critical state concern. 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 ~~Natural Resources~~ 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 of ~~Natural Resources~~, 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 Game and Fresh Water Fish Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the department of ~~Natural Resources~~ for the Florida Rails to Trails Program, to acquire abandoned railroad rights-of-way and to assist in the acquisition of the Florida National Scenic Trail for use as public recreational trails.

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. Paragraphs (a) and (b) are repealed effective October 1, 2000, and paragraphs (c), (d), (e), (f), and (g) are repealed effective October 1, 1996. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

Section 105. Subsection (3) of section 260.012, Florida Statutes, is amended to read:

260.012 Declaration of policy and legislative intent.—

(3) The planning, development, operation, and maintenance of the Florida Recreational Trails System authorized by ss. 260.011-260.018 is declared to be a public purpose, and the Department of Environmental Protection Natural Resources, together with other governments and agencies of this state and all counties, municipalities, and special districts of this state, is authorized to spend public funds for such purposes and to accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

Section 106. Subsections (3) and (4) of section 260.013, Florida Statutes, are amended to read:

260.013 Definitions.—As used in ss. 260.011-260.018, unless the context otherwise requires:

(3) “Department” means the Department of Environmental Protection Natural Resources.

(4) “Division” means the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources.

Section 107. Subsections (1) and (2) of section 260.0161, Florida Statutes, are amended to read:

260.0161 Coordination with Department of Transportation.—

(1) Upon the request of the department of ~~Natural Resources~~, the Department of Transportation shall provide information to the department of ~~Natural Resources~~ on abandoned and to-be-abandoned railroad rights-of-way.

(2) The Department of Transportation and the department of ~~Natural Resources~~ shall coordinate their evaluations of potential acquisitions and their acquisition priorities with respect to abandoned railroad rights-of-way in order to avoid competing for the same corridors. ~~The Department of Natural Resources and the Department of Transportation shall enter into a memorandum of understanding which shall contain a method by which the coordination of evaluations and acquisition priorities is to be accomplished. The memorandum of understanding shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor within 120 days after July 10, 1987.~~

Section 108. Paragraph (j) of subsection (3) of section 267.061, Florida Statutes, is amended to read:

267.061 Historic properties; state policy, responsibilities.—

(3) DIVISION RESPONSIBILITY.—It is the responsibility of the division to:

(j) Cooperate and coordinate with the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources in the operation and management of historic properties or resources subject to the Division of Historical Resources.

Section 109. Subsection (2) of section 270.22, Florida Statutes, is amended to read:

270.22 Proceeds of state lands to go into Internal Improvement Trust Fund; exception.—

(2) Rental fees for aquaculture leases pursuant to s. 253.71(2) shall be deposited into the Marine Biological Research Trust Fund of the Department of Environmental Protection Natural Resources. Such fees generated by shellfish-related aquaculture leases shall be used for shellfish-related aquaculture activities, including research, lease compliance inspections, mapping, and siting.

Section 110. Paragraph (a) of subsection (1) and subsection (4) of section 272.18, Florida Statutes, are amended to read:

272.18 Governor's Mansion Commission.—

(1)(a) There is created within the Department of Management Services a Governor's Mansion Commission to be composed of eight members. Five members shall be private citizens appointed by the Governor and subject to confirmation by the Senate; one member shall be the Director of the Division of Facilities Management of the Department of Management Services; one member shall be the Director of the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources; and one member shall be designated by the Secretary of State and shall be an employee of the Department of State with curatorial and museum expertise. The Governor shall appoint all citizen members for 4-year terms. The Governor shall fill vacancies for the remainder of unexpired terms. The spouse of the Governor or the designated representative of the Governor shall be an ex officio member of the commission but shall have no voting rights except in the case of a tie vote.

(4) The Department of Environmental Protection Natural Resources and the Department of State shall provide reasonable assistance when requested by the commission.

Section 111. Paragraph (a) of subsection (2) of section 282.1095, Florida Statutes, is amended to read:

282.1095 Mutual aid channel.—

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of five members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Game and Fresh Water Fish Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of ~~Environmental Protection Natural Resources~~ who shall be appointed by the ~~secretary executive director~~ of the department.

Section 112. Section 282.402, Florida Statutes, is amended to read:

282.402 Communications network.—There is created the Florida Growth Management Data Communications Network to be operated by the Division of Communications of the Department of Management Services, under the direction of the Florida Growth Management Data Network Coordinating Council. The network shall provide for the transfer of data related to growth management among state-automated information systems. The Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental ~~Protection Regulation~~, the Department of Health and Rehabilitative Services, ~~the Department of Natural Resources~~, and the Department of Transportation shall participate in the communications network. Each participating agency shall remain the functional owner of the data it provides to the network, and shall be responsible for the validity and timeliness of its data. Any fiscal data transmitted on the network shall meet the data coding requirements established by the Florida Fiscal Accounting Management Information System under the authority provided in s. 215.93.

Section 113. Paragraph (a) of subsection (1) of section 287.045, Florida Statutes, is amended to read:

287.045 Procurement of products and materials with recycled content.—

(1)(a) The Division of Purchasing, in cooperation with the Department of Environmental ~~Protection Regulation~~, shall review and revise existing procurement procedures and specifications for the purchase of products and materials to eliminate any procedures and specifications that explicitly discriminate against products and materials with recycled content except where such procedures and specifications are necessary to protect the public health, safety, and welfare.

Section 114. Subsection (1) of section 287.0595, Florida Statutes, is amended to read:

287.0595 Pollution response action contracts; department rules.—

(1) The Department of Environmental ~~Protection Regulation~~ shall establish, through the promulgation of administrative rules as provided in chapter 120:

(a) Procedures for determining the qualifications of responsible potential bidders prior to advertisement for and receipt of bids for pollution response action contracts, including procedures for the rejection of unqualified bidders. Response actions are those activities described in s. 376.301(20) and those actions carried out pursuant to s. 403.165.

(b) Procedures for awarding such contracts to the lowest qualified bidder as well as procedures to be followed in cases in which the department declares a valid emergency to exist which would necessitate the waiver of the rules governing the awarding of such contracts to the lowest qualified bidder.

(c) Procedures governing payment of contracts.

(d) Procedures to govern negotiations for contracts, modifications to contract documents, and terms and conditions of contracts.

Section 115. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

(1) The heads of the Department of Commerce, the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department Regulation, the Department of Labor and Employment Security, the Department of Education, the Department of Community Affairs, ~~the Department of Natural Resources~~, the Department of Management General Services or its successor agency, and the Game and Fresh Water Fish Commission shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 116. Subsection (5) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(5) The factors specified in subsection (4) shall be considered by a committee composed of the Secretary of Commerce, the Secretary of Transportation, the Secretary of Community Affairs, the Secretary of Labor and Employment Security, the Secretary of Environmental Protection Regulation, the chairman of the Economic Development Advisory Council, and the chairman of the Small and Minority Business Advisory Council or their designees. The committee members shall provide a written record of their individual votes on each project considered. Four members present shall constitute a quorum for decisionmaking. Meetings of the committee shall be called by the Secretary of Commerce as needed.

Section 117. Paragraph (a) of subsection (3) of section 288.1185, Florida Statutes, is amended to read:

288.1185 Recycling Markets Advisory Committee.—

(3)(a) The heads of the Department of Commerce, the Department of Transportation, the Department of Environmental Protection Regulation, the Department of Management Services, the Department of Agriculture and Consumer Services, the Florida Energy Office, and the Governor shall each designate a staff member from within the agency to serve as the recycling market development liaison for the agency. This person shall have knowledge of recycling and the issues and problems related to recycling and recycled materials market development. This person shall be the primary point of contact for the agency on issues related to recycled materials market development. These liaisons shall be available for

committee meetings and shall work closely with the committee and other recycling market development liaisons to further the goals of the committee, as appropriate.

Section 118. Paragraph (d) of subsection (1) and subsection (2) of section 288.811, Florida Statutes, are amended to read:

288.811 Florida International Trade and Investment Council; membership; duties.—

(1) There is created the Florida International Trade and Investment Council, within the Office of the Executive Director of the Florida International Affairs Commission. The purpose of the council is to advise and assist the commission in carrying out its duties, to advise state agencies or entities with international promotional programs and responsibilities pertaining to products, resources, or business promotion, and to advise regarding international promotion grants. The council must consist of persons who are residents of the state, each of whom is, or has been, actively engaged in some aspect of international trade or investment. The council must consist of the following:

(d) One employee of the Department of ~~Environmental Protection~~ ~~Natural Resources~~ having experience in export promotion, to be appointed by the ~~Secretary executive director of~~ ~~Environmental Protection~~ ~~the Department of Natural Resources~~.

(2) Of the initial members appointed pursuant to paragraph (1)(r), three each of the members appointed by the Governor and the Secretary of Commerce shall be appointed for terms of 4 years each and the remaining members appointed pursuant to said paragraph shall be appointed for terms of 2 years each. Thereafter, all members shall serve terms of 4 years each. Any vacancy shall be filled by appointment for the remainder of the unexpired term. The council shall annually elect a chairman and a vice chairman. It is the intent of the Legislature that the public-sector appointments from within the Department of Commerce, the Department of Agriculture and Consumer Services, the Department of Citrus, the Department of Insurance, and the Department of ~~Environmental Protection~~ ~~Natural Resources~~ be persons who have direct responsibility for trade promotion in their respective departments, and, further, that these persons be directly responsible for assuring close communication and cooperation among their respective departments and the commission and its staff. The council shall adopt internal organizational procedures or bylaws necessary for efficient operations. Members of the council shall serve without compensation or honorarium but shall be entitled to per diem and travel expenses pursuant to s. 112.061 for the performance of duties for the council. The appointing officer of the commission may remove a council member with or without cause.

Section 119. Subsections (1), (3), and (5) of section 298.07, Florida Statutes, are amended to read:

298.07 Amending former decree incorporating district; changing boundary lines and water management plan; form of notice; objections, hearing, and determination on petition.—

(1) The board of supervisors or the Department of ~~Environmental Protection~~ ~~Regulation~~, for and on behalf of any district organized under the provisions of this chapter, or the owners of land adjacent to such district, shall have the right to file a petition, which shall be subscribed to and acknowledged, in the office of the clerk

of the court organizing the district, or, if the district was created by a special act of the Legislature, with the clerk of the circuit court in which a majority of the lands within the district are located, praying the court to amend the district by correcting the names of the landowners, by striking out any such names, or by adding, striking out, or correcting the description of any land within or alleged to be within the boundary lines of any such district. The petition may ask permission of the court to amend or change the water management plan, or to correct any errors, omissions, or other mistakes that have been discovered in the water management plan; or the petition may ask that the boundary lines of the district be extended so as to include lands not described by, and included in, the petition. If such petition asks the court's permission to change the water management plan, or in any manner to change the boundary lines of the district, it shall also ask the court to appoint three commissioners, as provided for under the provisions of s. 298.30, to appraise the land that shall be taken for rights-of-way, holding basins, or other work or to assess the benefits and damages to any or all lands, public highways, and railroad and other property already in the district or that may be annexed to the district by the proposed amendments and changes to the water management plan or the proposed change in the boundary lines of the district. If the petition proposes to change the boundary lines of the district, there shall be attached to the petition, and published with the notice required by subsection (2), a map or plat of the county or counties in which the proposed district shall be located, showing the proposed location of the new boundary lines of the district and the section, township, and range lines, together with natural geographic features and existing roads, streets, and highways.

(3) Any owner of land or other property located in the district; any owner of land or property located outside of the district that will be affected by the proposed changes, amendments, and corrections enumerated in the petition; and the Department of Environmental ~~Protection Regulation~~ shall have the right to file objection to the granting of the prayer of the petition within the time allowed in this section. The court shall hear the petition and all objections that may have been filed against the petition in a full and complete hearing on a day to be named by the court or the judge thereof upon application of any party interested and shall enter its decree according to its findings.

(5) In addition to the publication of notice, a copy of the petition and the attached map or plat shall be served on the water management district, created under chapter 373, in which lands described in the petition are situated; on the board of county commissioners of the county, and the governing body of any municipality, in which the lands are situated; and on the Department of Environmental ~~Protection Regulation~~, in the manner provided by the Florida Rules of Civil Procedure for the service of pleadings and papers on parties. In addition thereto, a copy of the notice as published and a copy of the petition and the attached map or plat shall be served by the petitioner on each person owning land within, and on each person owning land immediately adjacent and contiguous to, the boundaries of the existing or proposed district as shown on the current tax roll, in the manner provided by the Florida Rules of Civil Procedure for the service of pleadings and papers on parties. The parties served and receiving notice by mail shall have 20 days after the date of service or the date of mailing, or the time allowed in the published notice, in which to file objections to the amendment of the former decree. The Department of Environmental ~~Protection Regulation~~ shall, in the case of every petition, file with the court its objections, recommendations, or proposed amendments to the petition. Service of process may be waived in writing.

Section 120. Section 298.11, Florida Statutes, is amended to read:

298.11 Election of board of supervisors; Department of Environmental Protection Regulation duties.—

(1) Within 20 days after any district shall have been organized and incorporated under the provisions of this chapter, the clerk of the circuit court in which the petition has been filed shall, upon giving notice by causing publication thereof to be made once a week for 2 consecutive weeks in some newspaper published in each county in which lands of the district are situate, the last insertion to be not less than 10 nor more than 15 days before the day of such meeting, call a meeting of the owners of the lands situate in said district, at a day and hour specified, at some public place in the county in which the district was organized, for the purpose of electing a board of three supervisors, to be composed of owners of the lands in said district and residents of the county or counties in which such district is situate.

(2) The landowners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election; at such election each and every acre of land in the district shall represent one share, and each owner shall be entitled to one vote in person or by proxy in writing duly signed, for every acre of land owned by him in such district, and the three persons receiving the highest number of votes shall be declared elected as supervisors. Landowners owning less than 1 acre shall be entitled to one vote. The landowners shall at such election determine the length of the terms of office of each supervisor so elected by them, which shall be respectively 1, 2 and 3 years, and they shall serve until their successors shall have been elected and qualified.

(3) The Department of Environmental Protection Regulation, at any such meeting, may represent the state, and shall have the right to vote for supervisors, or upon any matter that may come properly before said meeting to the extent of the acreage owned by the state in such district, which vote may be cast by any person designated by said department of Environmental Regulation. Guardians may represent their wards, executors and administrators may represent estates of deceased persons, and private corporations may be represented by their officers or duly authorized agents. The owners of a majority of the acreage included in such district shall be necessary to constitute a quorum for the purpose of holding such election, or any election thereafter, and in case the owners of a majority of the acreage included in such district are not present in person or duly represented, at the time and the place stated in the notice calling such meeting, then no election shall be held, and notice of such failure shall be given in writing by any person interested to the department of Environmental Regulation, which shall as soon as practicable appoint three competent persons who own land in such district as such supervisors for the term of 1, 2 and 3 years respectively, and who shall hold their office until their successors are elected or appointed and qualified.

(4) Any such supervisor so appointed by the ~~said~~ department of Environmental Regulation may be removed by the ~~said~~ department for dishonesty, incompetency or failure to perform the duties imposed upon him by this chapter, and any vacancies which may occur in any such office so filled by appointment shall be filled by the said department as soon as practicable.

(5) The Melbourne-Tillman Water Control District shall have five supervisors. Three supervisors shall be elected by the landowners pursuant to the applicable provisions of this section. Two supervisors, who are district residents, shall be ap-

pointed by the Brevard County Board of County Commissioners by majority vote at a regularly scheduled commission meeting for a term of 3 years. The commission may publish notice of this meeting and may take any public testimony which, in its discretion, it feels might bear upon such appointments. Should the landowners fail to elect a supervisor for any reason, the department of ~~Environmental Regulation~~ shall not have power to appoint; instead, the Brevard County Board of County Commissioners shall appoint a competent person who owns land in said district within 30 days. A supervisor so appointed shall hold office until a successor is elected or appointed. Any supervisor appointed by the Brevard County Board of County Commissioners may be removed by the board for dishonesty, incompetency, or failure to perform the duties imposed on him by this chapter.

Section 121. Subsection (1) of section 298.12, Florida Statutes, is amended to read:

298.12 Annual election of supervisors; term of office; vacancy.—

(1) Every year in the same month after the time for the election of the first board of supervisors, it shall call a meeting of the landowners in the district in the same manner as is provided for in s. 298.11, and the owners of land in such district shall meet at the stated time and place and elect one supervisor therefor, or in case of their failure to elect, the Department of Environmental ~~Protection Regulation~~ shall appoint such supervisor, in like manner as prescribed in s. 298.11, who shall hold his office for 3 years or until his successor is elected and qualified; and in case of a vacancy in any office of supervisor elected by the landowners, the remaining supervisors, or if they fail to act within 30 days, the Department of Environmental ~~Protection Regulation~~, may fill such vacancy until the next annual meeting, when a successor shall be elected for the unexpired term.

Section 122. Section 298.15, Florida Statutes, is amended to read:

298.15 Record of proceedings.—The board of supervisors of any district organized under this chapter shall cause to be kept a well-bound book, entitled "record of board of supervisors of ... district," in which shall be recorded minutes of all meetings, proceedings, certificates, bonds given by all employees and any and all corporate acts, which record shall at all times be open to the inspection of anyone interested, whether taxpayer or bondholder. Copies of the record of proceedings shall be filed with the clerk of the circuit court of the county or counties in which district lands are located and with the Department of Environmental ~~Protection Regulation~~. Any interested person, whether landowner or not, shall be permitted to inspect the record of proceedings.

Section 123. Subsections (2) and (3) of section 298.16, Florida Statutes, are amended to read:

298.16 Appointment of chief engineer; engineer's bond and duties.—

(2) The chief engineer shall have control of the engineering work in said district, and he may, whenever he deems it necessary, confer with the chief engineer of this state, or the Department of Environmental ~~Protection Regulation~~, and he may, by and with the consent of the board of supervisors, consult any eminent engineer and obtain his opinion and advice concerning the reclamation of lands in said districts. The said engineer shall make all necessary surveys of the lands within the boundary lines of said district, as described in the petition, and of all lands

adjacent thereto that will be improved or reclaimed in part or in whole by any system of drainage that may be outlined and adopted.

(3) The engineer shall make a report in writing to the board of supervisors, with maps and profiles of said surveys, which report shall contain a full and complete plan for draining and reclaiming the lands described in the petition, or adjacent thereto, from overflow or damage by water, with the length, width and depth of such canals, ditches, dikes or levees, or other works that may be necessary, in conjunction with any canals, drains, ditches, dikes, levees or other works heretofore constructed or built by the Board of Trustees of the Internal Improvement Trust Fund, or any other person, that may now be in process of construction, or which may be hereafter built by them, that may be necessary or which can be advantageously used in such plan for reclamation; and also, an estimate of the costs of carrying out and completing the plan of reclamation, including the cost of superintending the same and all incidental expenses in connection therewith. Maps and profiles shall also indicate so far as necessary the physical characteristics of the lands, and location of any public roads, railroads and other rights-of-way, roadways and other property or improvements located on such lands. A copy of the report required by this section shall be filed with the Department of Environmental Protection Regulation.

Section 124. Subsection (1) of section 298.22, Florida Statutes, is amended to read:

298.22 Powers given supervisors to effect reclamation of land in district.—In order to effect the drainage, protection, and reclamation of the land in the district subject to tax, the board of supervisors:

(1) May clean out, straighten, open up, widen, or change the course and flow, alter or deepen any canal, ditch, drain, river, watercourse, or natural stream; and concentrate, divert, or divide the flow of water in or out of said district; construct and maintain main and lateral ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, and siphons, and may connect same, or any of them, with any canals, drains, ditches, levees, or other works that may have been heretofore, or which may be hereafter constructed by the Department of Environmental Protection Regulation, and with any natural stream, lake, or watercourse in or adjacent to said district.

Section 125. Section 298.26, Florida Statutes, is amended to read:

298.26 Chief engineer to make annual reports to supervisors; approval of reports; water management plan.—The chief engineer shall make a report in writing to the board of supervisors once every 12 months and oftener, if said board shall so require. Upon receipt of the final report of said engineer concerning the surveys made of the lands contained in the district organized and the lands adjacent thereto and for reclaiming the same, the board of supervisors shall adopt such report, or any modification thereof approved by the chief engineer, after consulting with him or someone representing him. Thereafter such adopted report shall be the plan for draining or reclaiming such lands from overflow or damage by water, and it shall, after such adoption, be known and designated as the water management plan, which plan shall be filed with the secretary of the board of supervisors and by him copied into the records of the district. A copy of all such annual reports and the water management plan shall be filed with the Department of Environmental Protection Regulation. At least once each 5 years the department shall re-

view the water management plan and propose such modifications as it may deem proper.

Section 126. Subsection (3) of section 298.33, Florida Statutes, is amended to read:

298.33 Form of notice of filing of commissioners' report; publication of notice.

(3) A copy of the report of the commissioners, together with a copy of the above notice as published, shall be served on the water management district created under chapter 373 in which the lands are situated; the board of county commissioners of the county, and the governing body of any municipality, in which the lands are situated; and the Department of Environmental Protection Regulation, in the manner provided by the Florida Rules of Civil Procedure for the service of pleadings and papers on parties. In addition thereto, a copy of the portion of the commissioners' report containing those portions of the assessment of benefits and damages attached to such report which describe specific benefits and damages to that landowner's property, together with a written notice that a copy of the complete report is available for inspection at the office of the clerk of the circuit court and a copy of the above notice as published, shall be mailed by the petitioner to each person owning land within, and to each person owning land immediately adjacent and contiguous to, the boundaries of the district as shown on the current tax roll.

Section 127. Subsection (1) of section 298.34, Florida Statutes, is amended to read:

298.34 Filing exceptions to report; hearing; determination by court; appeal; recording of decree.—

(1) The Department of Environmental Protection Regulation shall, and the district, or any owner of land or other property to be affected by said report may, file exception to any part, or all, of the report of said commissioners within the time specified in s. 298.33.

Section 128. Section 298.467, Florida Statutes, is amended to read:

298.467 Department not authorized to borrow money, etc.—In the exercise of its powers, duties, and functions relating to water control districts as set forth in this chapter, the Department of Environmental Protection Regulation shall not have the authority to borrow money, issue notes, or incur indebtedness.

Section 129. Subsection (2) of section 298.55, Florida Statutes, is amended to read:

298.55 Readjustment of assessment of benefits; petition; notice; hearing; determination; readjustment once every 5 years.—

(2) Upon the hearing of the petition, if the court shall find that there has been a material change in the values of the lands in the district since the last previous assessment of benefits, the court shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a basis upon which to levy the maintenance tax of the district. Thereupon, the court shall appoint three commissioners possessing the qualifications of commissioners appointed under s. 298.30 to make such readjustment of assessment in the manner provided in s. 298.32. The commissioners shall make their report, and the same proceedings shall

be had thereon, as nearly as may be, as are provided for the assessment of benefits accruing for original construction, except that in making the readjustment of the assessment of benefits the commissioners shall not be limited to the aggregate amount of the original or any previous assessment of benefits. In the event there is no such readjustment of benefits for a period of 5 years, the Department of Environmental ~~Protection Regulation~~ may file a petition praying for a readjustment of the assessment of benefits with the clerk of the circuit court organizing the district. The court shall consider the petition in the same manner as provided above for petitions filed by owners within the district.

Section 130. Section 298.70, Florida Statutes, is amended to read:

298.70 Department of ~~Environmental Protection~~ Natural Resources authorized to borrow money.—The Department of ~~Environmental Protection~~ Natural Resources may borrow money and incur obligations, from time to time, on such terms and at such rates of interest as it may deem proper for the purpose of raising funds to continue and prosecute to final completion canals, drains, dikes, locks and reservoirs under construction by said department and build and construct such other canals, drains, dikes, locks and reservoirs as the said department may deem advantageous to the territory embraced in any district established or that may be established in this state.

Section 131. Section 298.71, Florida Statutes, is amended to read:

298.71 Department may issue notes; suit by holder; judgment.—The Department of ~~Environmental Protection~~ Natural Resources may issue its promissory note or notes, or other written obligations, or evidence of indebtedness, for the repayment of such loans at such times and upon such terms and at such rates of interest as the said department may deem advisable; and if upon the maturity of such promissory notes, or written obligations, or other evidences of indebtedness, the same are not redeemed or paid, the said department may be sued by the holder or holders thereof, and any judgment obtained thereon shall be satisfied out of the proceeds of the drainage tax provided by law to be assessed on the lands embraced in the district.

Section 132. Section 298.72, Florida Statutes, is amended to read:

298.72 Department may use proceeds of drainage tax to pay loans.—Any drainage tax provided by law to be assessed on the lands embraced in the district shall be available, and be used by the Department of ~~Environmental Protection~~ Natural Resources for the repayment of any loan or loans obtained by said department under the provisions of this chapter.

Section 133. Section 298.73, Florida Statutes, is amended to read:

298.73 Matured written obligations receivable in payment of taxes.—The promissory notes, or written obligations, or other evidences of indebtedness that may be issued by the Department of ~~Environmental Protection~~ Natural Resources under the provisions of this chapter, may be used on or after maturity in the payment of drainage taxes on any lands in said district by whomsoever such lands may be owned, and the tax collectors of the several counties embraced in said district, in whole or in part, shall receive such notes, written obligations, or other evidences of indebtedness of said Department of ~~Environmental Protection~~ Natural Resources on or after maturity in payment of such drainage taxes whenever the same may be tendered to such tax collectors to the extent of the principal and unpaid

interest of such promissory notes, written obligations, or other evidences of indebtedness.

Section 134. Subsections (2), (3), and (4) of section 309.01, Florida Statutes, are amended to read:

309.01 Deposit of material in tidewater regulated.—

(2) This section shall not prohibit Escambia County from placing in Pensacola Bay, on the Escambia County side, beside the old Pensacola Bay Bridge, certain materials, as recommended by the Division of Marine Resources of the Department of ~~Environmental Protection Natural Resources~~, to increase the number of fish available for persons fishing from the old Pensacola Bay Bridge.

(3) This section shall not prohibit Manatee County from placing in the Manatee County portions of Sarasota Bay and Tampa Bay and in the Manatee River, certain materials, as recommended by the Division of Marine Resources of the Department of ~~Environmental Protection Natural Resources~~, to increase the number of fish available for persons fishing in the above areas.

(4) This section shall not prohibit Pinellas County from placing in Tampa Bay certain materials as recommended by the Division of Marine Resources of the Department of ~~Environmental Protection Natural Resources~~, to increase the number of fish available for persons fishing in the bay.

Section 135. Subsection (1) of section 316.272, Florida Statutes, is amended to read:

316.272 Exhaust systems, prevention of noise.—

(1) Every motor vehicle shall at all times be equipped with an exhaust system in good working order and in constant operation, including muffler, manifold pipe, and tailpiping to prevent excessive or unusual noise. In no event shall an exhaust system allow noise at a level which exceeds a maximum decibel level to be established by regulation of the Department of ~~Environmental Protection Regulation~~ as provided in s. 403.061(13) in cooperation with the Department of Highway Safety and Motor Vehicles. No person shall use a muffler cutout, bypass or similar device upon a vehicle on a highway.

Section 136. Subsection (3) of section 316.293, Florida Statutes, is amended to read:

316.293 Motor vehicle noise.—

(3) MEASUREMENT PROCEDURES.—The measurement procedures for determining compliance with this section shall be established by regulation of the Department of ~~Environmental Protection Regulation~~ as provided in s. 403.415(9), in cooperation with the department. Such regulations shall include the selection of measurement sites and measurement procedures and shall take into consideration accepted scientific and professional methods for the measurement of vehicular sound levels. The measurement procedures may include adjustment factors to be applied to the noise limit for measurement distances of other than 50 feet from the center of the lane of travel.

Section 137. Subsections (4) and (7) of section 316.2935, Florida Statutes, are amended to read:

316.2935 Air pollution control equipment; tampering prohibited; penalty.—

(4) This section shall be enforced by the Department of Environmental Protection Regulation and any law enforcement officer of this state as defined in s. 112.531.

(7) The Department of Environmental Protection Regulation shall adopt rules that define the specific wording of the required certification and the circumstances under which the certificate is not required. In addition, the department shall adopt rules as necessary to conform to requirements of federal law, to establish procedures to determine compliance with this section, including specifying what tampering activities constitute a violation of this section, and to provide for exceptions and waivers, taking into account the provisions of ss. 325.203 and 325.209. For those rules applicable pursuant to subsection (1) to licensed motor vehicle dealers for certification by visual observation, the air pollution control devices or systems that shall be included in such certification for motor vehicles dated model year 1981 or later are the catalytic converter, fuel inlet restrictor, unvented fuel cap, exhaust gas recirculation system (EGR), air pump and/or air injector system (AIS), and fuel evaporative emissions system (EVP). The department may by rule remove or add devices or systems to this test if justified by developments in air pollution control technology or changes in federal law.

Section 138. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Game and Fresh Water Fish Commission, the Division of Law Enforcement of the Department of Environmental Protection Natural Resources, 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. University police officers shall have authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities which are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off campus when hot pursuit originates on campus.

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 s. 316.655.

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 work performance 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 s. 316.655.

Section 139. Subsection (6) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(6) A nonrefundable fee of \$1 shall be charged on every license registration sold, transferred, or replaced. This fee must be deposited in the Air Pollution Control Trust Fund established in the Department of Environmental Protection Regulation and used only for purposes of air pollution control pursuant to chapter 403, except that, if any county has an approved local air pollution control program as provided in s. 403.182, 50 cents of the fee from each license registration sold in the county must be returned to that county for deposit into a local air pollution control program trust fund, which must be established by the county and used only for air pollution control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to chapter 403 or any similar local ordinance. ~~Beginning in fiscal year 1992-1993,~~ Any county that has a Department of Environmental Protection Regulation approved local air pollution control program shall receive 75 cents of the fee from each license registration sold, transferred, or replaced in the county. However, if the approved local air pollution control program trust fund has an unencumbered balance at the end of the preceding fiscal year of more than 50 percent of the preceding year's allocation from the fees authorized in this subsection, the department may, after consultation with the approved local air pollution control program, retain any amount above 50 cents of the fees from each license registration sold, transferred, or replaced in the county for the following fiscal year. The Department of Environmental Protection Regulation is authorized to adopt rules necessary to implement this subsection.

Section 140. Subsection (8) of section 320.08065, Florida Statutes, is amended to read:

320.08065 Florida panther license plates.—

(8) The department shall distribute the Florida panther license plate annual use fee in the following manner:

(a) Forty-five percent to the Florida Panther Research and Management Trust Fund in the Game and Fresh Water Fish Commission to be used for programs to protect the endangered Florida panther;

(b) Forty percent to the Save Our State Environmental Protection Natural Resources Trust Fund in the Department of Environmental Protection Natural Resources to be used for environmental education, including programs to inform the public about the habitat needs of the Florida panther; and

(c) Fifteen percent, but no less than \$300,000, to the Florida Communities Trust Fund for use pursuant to the Florida Communities Trust Act.

Section 141. Subsection (3) of section 320.08066, Florida Statutes, is amended to read:

320.08066 Manatee license plate.—

(3)(a) Fifty percent of the manatee license plate annual use fee shall be deposited into the Save the Manatee Trust Fund, created within the Department of Environmental Protection Natural Resources. All funds deposited in the Save the Manatee Trust Fund may only be used for manatee research, protection, and recovery.

(b) Fifty percent of the manatee license plate annual use fee shall be deposited into the Save Our State Environmental Education Trust Fund within the Department of ~~Environmental Protection~~ ~~Natural Resources~~ and used for environmental education.

Section 142. Subsection (11) of section 325.202, Florida Statutes, is amended to read:

325.202 Definitions.—As used in this act, the term:

(11) “Program area” means counties designated by the Department of Environmental ~~Protection~~ ~~Regulation~~ as air-quality nonattainment areas in accordance with this act, and counties which voluntarily request inclusion pursuant to the provisions of s. 325.204.

Section 143. Paragraph (j) of subsection (4) of section 325.203, Florida Statutes, is amended to read:

325.203 Motor vehicles subject to annual inspection; exemptions.—

(4) The following motor vehicles are not subject to inspection:

(j) Any vehicle which is exempted by rule of the Department of Highway Safety and Motor Vehicles upon ~~determination by the~~ Department of Environmental ~~Protection~~ ~~Regulation~~ ~~determination~~ that the vehicle does not significantly contribute to air pollution.

Section 144. Subsections (1) and (2) of section 325.206, Florida Statutes, are amended to read:

325.206 Exhaust emissions inspection criteria; rules.—

(1) The Department of Environmental ~~Protection~~ ~~Regulation~~ shall adopt rules to establish, periodically evaluate, and revise the uniform standards and criteria for the inspection of exhaust emissions, including maximum allowable emissions levels and emission capacity standards to be used in motor vehicle inspection stations. Such standards and criteria shall include, but are not limited to, exhaust emissions testing and inspection procedures and the development of inspection pass or fail criteria. Standards may vary by size, class, type, and year of each motor vehicle engine and may not be more stringent than those required by federal law at the time of the manufacture of the motor vehicle. In establishing standards and criteria, the Department of Environmental ~~Protection~~ ~~Regulation~~ shall give consideration to levels of emissions reduction that are necessary to achieve applicable federal and state air quality standards.

(2) The Department of Environmental ~~Protection~~ ~~Regulation~~ shall adopt rules establishing the test procedures and test equipment to be used for the emissions inspection. Test procedures shall be capable of being conducted by the motor vehicle repair industry for purposes of pass or fail criteria of the emissions inspection. Test equipment used in the emissions inspection or comparable equipment shall be available to the motor vehicle repair industry in the open market.

Section 145. Paragraphs (a) and (c) of subsection (13) of section 325.207, Florida Statutes, are amended to read:

325.207 Inspection stations; department contracts; inspection requirements; recordkeeping.—

(13)(a) The department and the Department of Environmental Protection Regulation shall have reasonable access to all records of the contractor pertaining to the contract or duties imposed or undertaken pursuant to this chapter. Except as to information provided for in subsection (12), upon request of the contractor, any records received by the department or the Department of Environmental Protection Regulation which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).

(c) Proprietary confidential business information does not include information received by the department or the Department of Environmental Protection Regulation in carrying out the duties of the department under subsection (6), except such information which, if disclosed, would reveal:

1. Specifications pertaining to process or design;
2. The identity of or information about a person or entity not engaged or proposed to be engaged in providing services in connection with the proposal or contract, and not a party to, nor the subject of, the proposal or contract;
3. Specific financial assets of the contractor, or contracts of the contractor other than the contract provided for in this section.

Section 146. Subsection (2) of section 325.209, Florida Statutes, is amended to read:

325.209 Waivers.—

(2) Before a waiver may be issued, the following criteria must be met:

(a) The motor vehicle owner must present evidence satisfactory to the department that a low emissions adjustment, as defined by rule of the Department of Environmental Protection Regulation, has been performed;

(b) The motor vehicle must not have been tampered with by either the current owner or any previous owner;

(c) The owner must have spent the required minimum amount for emissions-related repairs on the vehicle within the 90-day period prescribed in s. 325.203(1), not including the amount spent to repair or replace air pollution control equipment that has been tampered with. Emissions-related repairs performed within 30 days prior to inspection may also be considered under this provision. For any vehicle the registration period for which is established under s. 320.055(4) or (5), the required minimum amount for emissions-related repairs must be spent by the owner within 90 days before the expiration of the registration period. The required minimum amount that must have been spent on related repairs is:

1. For motor vehicles designated as model years 1975 through 1979: \$100; and
2. For motor vehicles designated as model year 1980 and thereafter: \$200;

(d) Repairs and adjustments provided for in paragraphs (2)(a) and (2)(c) must have caused substantial improvement in the emissions performance of the motor vehicle; and

(e) The motor vehicle must not be covered under any manufacturer's or federally mandated emissions warranty.

Section 147. Subsections (4) and (5) of section 325.212, Florida Statutes, are amended to read:

325.212 Reinspections; reinspection facilities; rules; minority business participation.—

(4) The Department of Environmental ~~Protection Regulation~~ shall adopt, by rule, standards for certification of equipment used for reinspections, shall obtain and approve the most advanced technology available on the open market, and shall periodically update and evaluate currently certified equipment.

(5) To ensure uniform and consistent repairs and reinspections by qualified mechanics, reinspection facilities shall only utilize equipment which has been certified by the Department of Environmental Protection Regulation.

Section 148. Subsections (1) and (9) of section 325.213, Florida Statutes, are amended to read:

325.213 Self-inspectors.—

(1) Any person who owns or leases 25 or more motor vehicles that are subject to inspection under this act, including motor vehicles held for resale by a motor vehicle dealer licensed under chapter 320, may apply to the department for a license as a self-inspector. The department shall prescribe by rule the form and content of the application. The application for licensure under this section shall be verified by oath or affirmation and shall contain:

(a) The name and birth date of the applicant; the name of the firm or partnership, with the names and places of residence of all members thereof, if such applicant is a firm or partnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former places of residence of the applicant; and any prior businesses in which the applicant has engaged and the location thereof;

(b) Certification that the applicant's business location provides an adequate location for the repair, maintenance, and inspection of the applicant's fleet of vehicles, that the location is not a residence, and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business. All such files and records relating to motor vehicles inspected by the self-inspector shall be available at all reasonable hours to inspection by the department or any of its inspectors or other employees;

(c) Certification that the applicant has obtained the machinery, tools, and equipment, approved by the Department of Environmental Protection Regulation, to adequately conduct the required emissions inspections;

(d) Certification that the applicant employs properly trained personnel to perform the necessary emissions inspections. Criteria for such training of inspection personnel shall be developed by the Department of Environmental Protection Regulation; and

(e) Other relevant information as may be required by the department.

(9) In addition to the exercise of other powers provided in this section, the department may levy and collect a civil fine, not to exceed \$1,000 for each violation, against any self-inspector or reinspection facility licensee if it finds that the licensee has violated any provision of this chapter or any other law of this state related

to motor vehicle emissions inspections or has failed to comply with any administrative rule adopted under this chapter by the department or the Department of Environmental ~~Protection Regulation~~. The licensee shall be entitled to a hearing pursuant to chapter 120 to contest the fine levied or about to be levied upon him.

Section 149. Subsection (1) of section 325.217, Florida Statutes, is amended to read:

325.217 Cost-benefit analyses and other evaluations; reports to Legislature.—

(1) The department shall, in conjunction with the Department of Environmental ~~Protection Regulation~~, conduct ongoing cost-benefit analyses and other evaluations of the emissions inspection program, including quantifications of reductions in air pollution and recommendations to the Legislature for improving the emissions inspection program. Such recommendations shall also address the feasibility of offering motor vehicle owners the option of completing motor vehicle registration at the inspection stations using employees of the county tax collector or the department; notifying motor vehicle owners of recalls affecting their motor vehicle; assisting in the identification of stolen motor vehicles; and verifying insurance coverage, compliance with financial responsibility requirements, and odometer readings for purposes of motor vehicle registration.

Section 150. Subsection (1) of section 325.218, Florida Statutes, is amended to read:

325.218 Public education.—

(1) The department, with the cooperation of the Department of Environmental ~~Protection Regulation~~, shall implement a continuing public education program to begin 12 months before the commencement of the emissions inspection program. The department may contract for the implementation of such public education program. However, the department shall approve all public education activities and expenditures prior to implementation of such program by the contractor.

Section 151. Subsection (2) of section 325.223, Florida Statutes, is amended to read:

325.223 Training and certification requirements; sale of refrigerants; penalties.

(2) The Department of Environmental ~~Protection Regulation~~ shall establish and administer a program to ensure the installation and proper use of refrigerant recycling equipment and to certify establishments and persons who are trained in the use of that equipment. All applicants for certification for the operation of approved refrigerant recycling equipment shall be required to obtain a compliance certificate from the department.

Section 152. Paragraph (a) of subsection (3) and subsections (5) and (6) of section 327.02, Florida Statutes, are amended to read:

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

(3) "Commercial vessel" means:

(a) Any vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or any vessel licensed

pursuant to s. 370.06 from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer;

(5) "Department" means the Department of Environmental Protection Natural Resources.

(6) "Division" means the Division of Law Enforcement of the Department of Environmental Protection Natural Resources.

Section 153. Section 327.03, Florida Statutes, is amended to read:

327.03 Administration of vessel registration and titling laws; records.—

(1) The administration of this chapter and chapter 328 is under the department of ~~Natural Resources~~, which shall provide for issuing, handling, and recording of all vessel registration and titling applications and certificates, including the receipt and accounting of vessel registration and titling fees and payments into the State Treasury.

(2) The department shall record all accidents and perform such other clerical duties as required.

(3) All records made or kept by the department under this law shall be public records except confidential reports.

Section 154. Section 327.04, Florida Statutes, is amended to read:

327.04 Rules and regulations.—The department of ~~Natural Resources~~ shall make, adopt, promulgate, amend, or repeal rules and regulations necessary for carrying out the administrative duties, obligations, and powers conferred on the division by this chapter.

Section 155. Section 327.12, Florida Statutes, is amended to read:

327.12 Reregistration by mail.—The department of ~~Natural Resources~~ shall promulgate rules and regulations to permit the reregistration of vessels by mail.

Section 156. Section 327.26, Florida Statutes, is amended to read:

327.26 Stickers or emblems for the Save the Manatee Trust Fund.—The department of ~~Natural Resources~~ shall prepare stickers or emblems signifying support for the Save the Manatee Trust Fund which shall be given to persons who contribute to the Save the Manatee Trust Fund as provided in s. 327.25. The department may accept stickers or emblems donated by any governmental or nongovernmental entity for the purposes of this section.

Section 157. Paragraph (e) of subsection (3) of section 327.28, Florida Statutes, is amended to read:

327.28 Motorboat Revolving Trust Fund; appropriation and distribution.—

(3) All funds collected pursuant to s. 370.06(2) shall be deposited in the Motorboat Revolving Trust Fund. Such funds shall be used to pay the cost of implementing the saltwater products license program. Additional proceeds from the licensing revenue shall be distributed among the following program functions:

(e) The Commissioner of Agriculture and the Secretary of Environmental Protection ~~executive director of the Department of Natural Resources~~ shall submit a

joint recommendation no later than December 1, 1992, to the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives, relating to an equitable distribution of all funds collected pursuant to s. 370.062(2). A progress report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives no later than October 1, 1992.

Section 158. Section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

(1) The Department of Environmental Protection Natural Resources shall, ~~on or before July 1, 1972,~~ adopt rules and regulations establishing a uniform system of regulatory markers for the Florida Intracoastal Waterway, compatible with the system of regulatory markers prescribed by the United States Coast Guard, and shall give due regard to the System of Uniform Waterway Markers approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard.

(2) Any county or municipality which has been granted a restricted area designation, pursuant to s. 327.46, for a portion of the Florida Intracoastal Waterway within its jurisdiction may apply to the Department of Environmental Protection Natural Resources for permission to place regulatory markers within the restricted area.

(3) Application for placing regulatory markers on the Florida Intracoastal Waterway shall be made to the Division of Marine Resources, accompanied by a map locating the approximate placement of the markers, a statement of the specification of the markers, a statement of purpose of the markers, and a statement of the city or county responsible for the placement and upkeep of the markers.

(4) No person or municipality, county, or other governmental entity shall place any regulatory markers in, on, or over the Florida Intracoastal Waterway without a permit from the Division of Marine Resources.

~~(5) All regulatory markers in, on, or over the Florida Intracoastal Waterway in place on December 1, 1972, which were not placed pursuant to a permit issued by the Division of Marine Resources or which do not comply with the standards adopted by the Department of Natural Resources shall be declared a nuisance. The Division of Marine Resources shall have the authority to direct immediate removal of any regulatory marker in violation of this section.~~

Section 159. Paragraph (c) of subsection (2) of section 328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(2)

(c) In making application for an initial title, the owner of a homemade vessel shall establish proof of ownership by submitting with his application:

1. A notarized statement of the builder or its equivalent, whichever is acceptable to the department, if the vessel is less than 16 feet in length; or

2. A certificate of inspection from the Division of Law Enforcement of the Department of Environmental Protection or the Game and Fresh Water Fish Commission and a notarized statement of the builder or its equivalent, whichever is acceptable to the department, if the vessel is 16 feet or more in length. For purposes of this chapter, "department" means the Department of Environmental Protection.

Section 160. Subsection (5) of section 328.15, Florida Statutes, is amended to read:

328.15 Notice of lien on vessel; recording.—

(5) The department of ~~Natural Resources~~ shall make such rules and regulations as it deems necessary or proper for the effective administration of this law. The department may by rule require that a notice of satisfaction of a lien be notarized. The department shall prepare the forms of the notice of lien and the satisfaction of lien to be supplied, at a charge not to exceed 50 percent more than cost, to applicants for recording the liens or satisfactions and shall keep a permanent record of such notices of lien and satisfactions available for inspection by the public at all reasonable times. The division is authorized to furnish certified copies of such satisfactions for a fee of \$1, which certified copies shall be admissible in evidence in all courts of this state under the same conditions and to the same effect as certified copies of other public records.

Section 161. Section 328.20, Florida Statutes, is amended to read:

328.20 Disposition of fees.—The department of ~~Natural Resources~~ shall deposit all funds collected by it pursuant to the provisions of this chapter in the Motorboat Revolving Trust Fund.

Section 162. Subsection (3) of section 334.065, Florida Statutes, is amended to read:

334.065 Center for Urban Transportation Research.—

(3) An advisory board shall be created to periodically and objectively review and advise the center concerning its research program. Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board. The membership of the board shall consist of nine experts in transportation-related areas, including the secretaries of the Florida Departments of Transportation, Community Affairs, and Environmental Protection Regulation, or their designees, and a member of the Florida Transportation Commission. The nomination of the remaining members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Regents.

Section 163. Subsection (3) of section 335.065, Florida Statutes, is amended to read:

335.065 Bicycle and pedestrian ways along state roads and transportation facilities.—

(3) The department, in cooperation with the Department of Environmental Protection ~~Natural Resources~~, shall establish a statewide integrated system of bi-

cycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights-of-way or other rights-of-way or easements acquired for public use.

Section 164. Paragraph (b) of subsection (1) of section 337.108, Florida Statutes, is amended to read:

337.108 Hazardous materials and pollutants; indemnification.—

(1) For purposes of this section:

(b) The term “pollutants” shall have the same meaning as provided in s. 376.031~~(16)~~.

Section 165. Subsection (4) of section 337.242, Florida Statutes, is amended to read:

337.242 Acquisition of rail corridors.—

(4) The department shall, as part of the rail planning responsibilities under s. 341.302(3), identify and evaluate the potential for transportation uses for both operating rail corridors and corridors in which service has been discontinued. If the corridors evaluated have a transportation use potential, the department may purchase, manage, and maintain the corridor subject to appropriation by the Legislature. The movement of people and goods to and from Florida seaports and airports shall be considered a transportation use. All rail transportation corridors in which service has been discontinued or in which service is scheduled for discontinuance shall be reported by the department to the Department of Environmental Protection Natural Resources as specified in s. 260.0161.

Section 166. Subsection (5) of section 337.27, Florida Statutes, is amended to read:

337.27 Exercise of power of eminent domain by department; procedure; title; cost.—

(5) When the department acquires property for a transportation facility or in a transportation corridor through the exercise of eminent domain authority, or by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The department and the Department of Environmental Protection Regulation may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the department.

Section 167. Subsection (10) of section 338.221, Florida Statutes, is amended to read:

338.221 Definitions of terms used in ss. 338.22-338.244.—As used in ss. 338.22-338.244, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

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

Section 168. Paragraph (c) of subsection (1) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(1)

(c) Prior to requesting legislative approval of a proposed turnpike project, the environmental feasibility of the proposed project shall be reviewed by the Department of Environmental ~~Protection Regulation~~. The department shall submit its Project Development and Environmental Report to the Department of Environmental ~~Protection Regulation~~, along with a draft copy of a public notice. Within 14 days of receipt of the draft public notice, the Department of Environmental ~~Protection Regulation~~ shall return the draft public notice to the Department of Transportation with an approval of the language or modifications to the language. Upon receipt of the approved or modified draft, or if no comments are provided within 14 days, the Department of Transportation shall publish the notice in a newspaper to provide a 30-day public comment period. The headline of the required notice shall be in a type no smaller than 18 point. The notice shall be placed in that portion of the newspaper where legal notices appear. The notice shall be published in a newspaper of general circulation in the county or counties of general interest and readership in the community as provided in s. 50.031, not one of limited subject matter. Whenever possible, the notice shall appear in a newspaper that is published at least 5 days a week. The notice shall include, but is not limited to, the following information:

1. The purpose of the notice is to provide for a 30-day period for written public comments on the environmental impacts of a proposed turnpike project.
2. The name and description of the project, along with a geographic location map clearly indicating the area where the proposed project will be located.
3. The address where such comments must be sent and the date such comments are due.

After a review of the department's report and any public comments, the Department of Environmental ~~Protection Regulation~~ shall submit a statement of environmental feasibility to the department within 30 days after the date on which public comments are due. The notice and the statement of environmental feasibility shall not give rise to any rights to a hearing or other rights or remedies provided pursuant to chapter 120 or chapter 403, and shall not bind the Department of Environmental ~~Protection Regulation~~ in any subsequent environmental permit review.

Section 169. Paragraphs (b), (e), (f), (g), (h), (l), (m), and (p) of subsection (2) of section 338.250, Florida Statutes, are amended to read:

338.250 Central Florida Beltway Mitigation.—

(2) Environmental mitigation required as a result of construction of the beltway, or portions thereof, shall be satisfied in the following manner:

(b) The appropriate road building authority shall prepare and submit to the St. Johns River Water Management District an inventory of wetland resources to be impacted by its plan of construction for the Western Beltway, the Southern Connector, the Turnpike/Southern Connector Interchange, or the Southern Connector Extension. The appropriate road building authority shall prepare and submit to the South Florida Water Management District an inventory of wetland resources within and near the preliminary right-of-way limits that could be impacted by its plan of construction for the Western Beltway. A copy of each plan shall also be submitted to the Department of Environmental Protection Regulation. Said inventory shall list the acreage type and location of the wetlands to be potentially impacted as well as an assessment of the functions presently served by wetlands to potentially be impacted within and near the preliminary right-of-way limits of the beltway project. In the design of the project, wetland impacts which are reasonably avoidable should be avoided.

(e) Immediately upon approval of the conceptual mitigation plan by the appropriate water management district governing board, the plan shall be sent to the secretary of the Department of Environmental Protection Regulation for review. Within 30 days of receipt of the plan, the department shall take final action either approving the conceptual plan or referring the plan back to the appropriate water management district with directions as to what portions of the plan are unacceptable and how they may be corrected. Approval of the conceptual mitigation plan shall create a presumption in favor of approval of any wetland mitigation proposed in any permit applications submitted to the department pursuant to paragraph (g) below, provided the wetland impacts proposed are not inconsistent with those reflected in the wetlands inventory submitted in accordance with paragraph (b) above and provided impacts to waters of the state which are reasonably avoidable have been avoided in the design of the project. If the mitigation plan is referred back to a water management district by the department, the water management district shall modify those portions deemed unacceptable by the department and resubmit the plan to the secretary within 30 days of referral. The department shall then have 30 days to take action on the modified mitigation plan.

(f) Upon approval of the conceptual mitigation plans submitted by the water management districts, the Department of Environmental Protection Regulation shall forward such information and comments to any appropriate federal agencies which also require permitting or approval of wetland mitigation, as is necessary for the appropriate road building authority to obtain such permits or approvals. The department shall seek to obtain formal concurrence of the approved mitigation plan from the federal agencies.

(g) The appropriate road building authority shall make its permit application to the Department of Environmental Protection Regulation which shall be solely responsible for review and final action on such application required by chapter 373 or chapter 403. No local environmental permits shall be required for construction of the project. Copies of any permit applications filed by an expressway authority shall be provided by that expressway authority to any county government where construction shall take place. Such affected county government shall have 30 days from the date of its receipt of said permit application to make written comments for same to the department. In reviewing any permit applications submitted pursuant to chapter 373, the department shall utilize the rule criteria adopted by the water management district in which the construction is proposed. Notwithstand-

ing the provisions of paragraphs (d), (e), and (i), should any federal permitting authority require modification of a mitigation plan approved by the department in order to gain approval of the mitigation plan by said federal authority, or as the result of phased construction of the beltway project sufficient funds are not available at the time of permitting for the appropriate water management district to carry out the required mitigation, the department shall have the authority to make appropriate modifications, insofar as the total funding amount provided in this legislation would permit, to allow said mitigation funds to be applied within any of the hydrologic basins described in paragraphs (d) and (i) herein.

(h) Should the Department of Environmental Protection Regulation or any federal agency require modification to the beltway project plans, the cost of implementing those modifications shall not be funded from the moneys provided for wetland mitigation. However, to the extent the required modifications decrease dredge and fill activities, the moneys herein required to be provided for wetland mitigation shall be reduced in the same proportion as the acreage of impacted wetlands are reduced in an amount to be determined by the department. No water management district shall be required to expend funds for mitigation in excess of those provided in paragraph (a).

(l) Management plans for mitigation lands shall be conditions of the permit and shall be prepared and implemented by the agency holding title to the lands in consultation with the Environmental Advisory Group to the Central Florida Beltway Project. The management plan shall be submitted to the Department of Environmental Protection Regulation for final approval.

(m) Approval of the mitigation plan by the Department of Environmental Protection Regulation and the water management district and approval and issuance of any necessary permits by the Department of Environmental Protection Regulation and by the U.S. Corps of Engineers must occur prior to the commencement of the construction of the project. Upon the issuance of the permits, the trustee of the Central Florida Beltway Trust Fund or the applicable road building authority shall transfer to the appropriate water management district the moneys provided for in paragraph (a) above in accordance with the schedule of payments mutually adopted by both parties. The appropriate water management district shall be responsible for the implementation of the mitigation plan. All bond proceeds disbursed to the water management district shall be invested and disbursed by said district in accordance with all applicable state and federal laws and in accordance with the terms of the trust indenture or bond resolutions for the bond issue from which such proceeds were obtained.

(p) In the event that the applicable water management district and the Department of Environmental Protection Regulation fail to timely adopt the conceptual mitigation plans as herein contemplated, or in the event that such plans are not approved by the appropriate federal agencies, a road building authority on any of the Central Florida Beltway projects as herein defined may then make application for necessary permits to the appropriate agencies which may be accompanied by conventional mitigation plans, and proceed as if this act did not exist.

Section 170. Section 341.3332, Florida Statutes, is amended to read:

341.3332 Notice of issuance of request for proposals.—The department shall provide notice in the Florida Administrative Weekly of the issuance of the request for proposals issued pursuant to s. 341.3331. The department shall also provide

written notice to the Department of Community Affairs, to the Department of Environmental ~~Protection Regulation~~, and to those persons who have requested in writing to be notified of the issuance of the request for proposals.

Section 171. Section 341.336, Florida Statutes, is amended to read:

341.336 Department of Environmental ~~Protection Regulation~~ and Department of Community Affairs; other affected agencies; powers and duties.—

(1) For the purposes of ss. 341.3201-341.386, the Department of Environmental ~~Protection Regulation~~, the Department of Community Affairs, and any other agency that may be affected by a certification application have the following powers and duties:

(a) To receive and review applications for franchise in regard to the criteria listed in s. 341.3334 as to matters within each department's respective jurisdiction.

(b) To be a party to an administrative or judicial proceeding involving an application for a franchise, a certification application, a franchise, or a certification.

(c) To receive the certification applications, to determine the completeness of the applications, to review the applications for compliance with nonprocedural requirements of the agency, to prepare and file a report in accordance with s. 341.348, and to be a party to the certification proceedings.

(d) To make, or contract for, studies of matters within its jurisdiction in regard to the certification.

(e) To assist the department in monitoring the effects arising from the location of the high-speed rail transportation system corridor and the construction, operation, and maintenance of the high-speed rail transportation system, in order to assure continued compliance with the terms of the certification.

(2) The Department of Environmental ~~Protection Regulation~~ is responsible for assisting affected agencies in analyzing the environmental impacts of a proposed high-speed rail transportation system and for providing data and other information to those agencies for use in the preparation of the reports required by s. 341.348, shall coordinate with other state agencies having jurisdiction over environmental matters, and shall provide information and technical assistance on environmental issues to the Citizens' Planning and Environmental Advisory Committee at the request of the chairman.

(3) The Department of Community Affairs is responsible for assisting affected agencies in analyzing the land use, growth management, comprehensive-planning aspects of a proposed high-speed rail transportation system, and for providing data and other information to those agencies for use in the preparation of the reports required by s. 341.348, and shall provide information and technical assistance on land use, growth management, and comprehensive-planning issues to the Citizens' Planning and Environmental Advisory Committee at the request of the chairman.

Section 172. Section 341.342, Florida Statutes, is amended to read:

341.342 Agreements concerning contents of certification application and supporting documentation.—The Department of Transportation, with the concurrence of the Department of Environmental ~~Protection Regulation~~ and the Department of Community Affairs, after public notice, may enter into binding written agreements with the franchisee and other affected agencies as to the scope, quanti-

ty, and level of information to be provided in the certification application, as well as the methods to be used in providing such information and the nature of the supporting documents to be included in the certification application.

Section 173. Subsection (6) of section 341.343, Florida Statutes, is amended to read:

341.343 Review of application.—

(6) If an amendment to a certification application is proposed later than the time period described in subsection (5), the proposed amendment must be reviewed by the Department of Environmental ~~Protection Regulation~~, the Department of Community Affairs, and the Department of Transportation to determine the impact of the amendment on matters within their respective jurisdictions. Within 30 days after the receipt of the proposed amendment, if any of the foregoing agencies determines that the amendment is such that either additional time or information is required in order to adequately review and analyze the proposed amendment or additional local government hearings are appropriate, the agency shall advise the hearing officer and all parties in writing of the need for the additional time. Upon receipt, the hearing officer shall delay the date of the certification hearing in order to give all parties ample opportunity to review and analyze the impacts of the proposed amendment or to conduct the necessary local government hearing.

Section 174. Subsection (3) of section 341.348, Florida Statutes, is amended to read:

341.348 Reports and studies.—

(3) Each agency shall prepare a report on the certification application as to the impact of the proposed high-speed rail transportation system as it relates to matters within the jurisdiction of the agency. The Department of Transportation, the Department of Environmental ~~Protection Regulation~~, and the Department of Community Affairs may request that any other agency perform studies and prepare reports as to matters within the jurisdiction of that other agency, which matters may be affected by the proposed high-speed rail transportation system.

Section 175. Paragraph (a) of subsection (2) of section 341.352, Florida Statutes, is amended to read:

341.352 Certification hearing.—

(2)(a) The parties to the certification proceeding are:

1. The franchisee.
2. The Department of Commerce.
3. The Department of Environmental ~~Protection Regulation~~.
4. The Department of Transportation.
5. The Department of Community Affairs.
- ~~6. The Department of Natural Resources.~~
- ~~6.7. The Game and Fresh Water Fish Commission.~~
- ~~7.8. Each water management district.~~

~~8.9.~~ Each local government.

~~9.10.~~ Each regional planning council.

~~10.11.~~ Each metropolitan planning organization.

Section 176. Subsections (1) and (3) of section 341.405, Florida Statutes, are amended to read:

341.405 Application for certification; procedures; fees.—

(1) The ~~Department of Florida High-Speed Rail Transportation Commission~~, working in conjunction with the Department of Community Affairs, the Department of Transportation, and the Department of Environmental ~~Protection Regulation~~ shall, ~~no later than January 20, 1999~~, develop and issue an application for certification under this act. The application must include, but is not limited to, the following information:

- (a) A map and description of the entire project, including a map of the corridor;
- (b) A description of the type of magnetic levitation technology proposed to be used;
- (c) Proof of financial capability of the applicant and the applicant's financial capability to provide safe and efficient service, including a designation of sources of private revenue;
- (d) The extent to which the project will create or alleviate environmental problems such as air or water pollution, or noise;
- (e) The number of riders projected to be transported between the termini and the length of time taken to transport persons between the termini;
- (f) The length of the project right-of-way and the project's capacity to carry passengers between the termini;
- (g) The amount of pedestrian or vehicular traffic likely to be generated;
- (h) The number of persons likely to be employees or riders or to be otherwise present;
- (i) The extent to which the project will create an additional demand for or additional use of energy;
- (j) The unique qualities of particular areas within the proposed corridor;
- (k) The impact of the project on the demand for infrastructure provided by local government;
- (l) The positive or negative effects of the project on the fiscal base of local government;
- (m) The extent to which the project will be consistent with local government comprehensive plans, land development regulations, and nonprocedural requirements of agencies;
- (n) The extent to which the project is consistent with the purpose and goals of the Florida High-Speed Rail Transportation Commission Act and this act;
- (o) The extent to which the power of eminent domain will be required to obtain land for the project;

(p) The extent to which the project would utilize existing utility or road corridors; and

(q) Any other information useful in determining whether a project is technical and economically feasible.

(3) The filing fee provided herein shall be paid to the Department of Florida High-Speed Rail Transportation Commission and shall be used to reimburse the department Florida High-Speed Rail Transportation Commission, the Department of Community Affairs, the Department of Transportation, and the Department of Environmental Protection Regulation for their costs in developing the application for certification. Any funds remaining after the payment of these costs shall be used by the department Florida High-Speed Rail Transportation Commission to offset the costs of selecting one application for further review as provided in this section.

Section 177. Section 341.407, Florida Statutes, is amended to read:

341.407 Required reports and studies.—

(1) No later than 7 days after receipt of an application, the Department of Florida High-Speed Rail Transportation Commission shall supply a copy of the application to the Department of Community Affairs, the Department of Environmental Protection Regulation, the Department of Natural Resources, the Game and Fresh Water Fish Commission, the Department of Transportation, and each water management district, regional planning council, and local government within the jurisdiction in which the project is proposed to be located. Each such agency shall prepare a report as provided herein. These reports shall be submitted to the Department of Florida High-Speed Rail Transportation Commission no later than 60 days after the receipt of an application by the agency. The Department of Florida High-Speed Rail Transportation Commission shall also prepare a report as provided herein within this 60-day timeframe.

(2) Each agency required to submit a report pursuant to paragraph (1) shall calculate its costs to prepare such a report and submit this calculation to the Department of Florida High-Speed Rail Transportation Commission. The department commission shall total all agency costs and shall assess a fee equal to total agency costs against the applicant. Any applicant who fails to pay this fee within 30 days after its assessment shall have his application summarily rejected. In assessing this fee, the department commission shall offset any funds remaining from the application fee.

(3) The Department of Transportation shall prepare a report as to the effects of the proposed project as it relates to matters within its jurisdiction.

(4) The Department of Community Affairs shall prepare a report as to the impacts of the proposed project on the resources and public facility investments of state or regional significance, the extent to which the proposed project furthers the goals and objectives of the state land development plan, and the effects of the proposed project on other matters within its jurisdiction.

(5) The Department of Environmental Protection Regulation shall prepare a report as to the effects of the proposed project on matters within its jurisdiction and, if necessary, establish requirements that reasonably protect the public health and welfare from the electric and magnetic fields generated by the project.

~~(6) The Department of Natural Resources shall prepare a report as to the effects of the proposed project on matters within its jurisdiction.~~

~~(6)(7)~~ The Game and Fresh Water Fish Commission shall prepare a report on the effects of the proposed project on matters within its jurisdiction.

~~(7)(8)~~ The ~~Department of Florida High-Speed Rail Transportation Commission~~ shall prepare a report on whether the proposed project is consistent with the goals and purposes of the Florida High-Speed Rail Transportation Commission Act and the effect of the project on matters within its jurisdiction, including the financial capacity of an applicant and the financial feasibility of the proposed project.

~~(8)(9)~~ Each water management district in the jurisdiction within which the project is proposed to be located shall prepare a report as to the effects of the proposed project on water resources and other matters within its jurisdiction.

~~(9)(10)~~ Each regional planning council in the jurisdiction within which the project is proposed to be located shall prepare a report as to the effects of the proposed project on matters within its jurisdiction.

~~(10)(11)~~ Each local government in the jurisdiction within which the project is proposed to be located shall prepare a report as to the effects of the proposed project on matters within its jurisdiction or shall by resolution adopt the report prepared by its regional planning council. If the local government adopts a resolution hereunder, it must provide a copy of such resolution to the Department of Florida High-Speed Rail Transportation Commission within 60 days after receipt of the application.

~~(11)(12)~~ Each report prepared hereunder must contain the information on variances required by this act and any proposed conditions of certification on matters within the agency's jurisdiction. For each such condition, the agency must list the specific statute, rule, or ordinance which authorizes the proposed condition.

~~(12)(13)~~ Failure of an agency to submit a report or the inadequacy of a report is not grounds for the denial of certification or a condition of certification.

~~(13)(14)~~ No later than 90 days after the receipt of the reports required hereunder, the Department of Florida High-Speed Rail Transportation Commission shall prepare a compilation of agency reports and summaries of the material contained therein and file such report with all parties to the certification proceeding. This report shall include the recommendations of the department commission as to the final disposition of the application.

Section 178. Paragraph (a) of subsection (5) of section 341.408, Florida Statutes, is amended to read:

341.408 Hearing on certification; appointment of hearing officer; notice; parties; proceedings.—

(5)(a) Parties to a certification hearing shall include:

1. The applicant;
2. The Department of Transportation;
3. The Department of Community Affairs;

4. The Department of Environmental Protection Regulation;
- ~~5. The Department of Natural Resources;~~
- ~~5.6. The Game and Fresh Water Fish Commission;~~
- ~~7. The Florida High-Speed Rail Transportation Commission;~~
- ~~6.8. Affected water management districts;~~
- ~~7.9. Affected regional planning councils; and~~
- ~~8.10. Affected local governments.~~

Section 179. Subsection (4) of section 348.0008, Florida Statutes, is amended to read:

348.0008 Acquisition of lands and property.—

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

Section 180. Subsection (4) of section 348.759, Florida Statutes, is amended to read:

348.759 Acquisition of lands and property.—

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

Section 181. Subsection (4) of section 348.957, Florida Statutes, is amended to read:

348.957 Acquisition of lands and property.—

(4) When the authority acquires property for a transportation facility or in a transportation corridor, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection Regulation may

enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 182. Subsection (3) of section 366.825, Florida Statutes, is amended to read:

366.825 Clean Air Act compliance; definitions; goals; plans.—

(3) The commission shall review a plan to implement the Clean Air Act compliance submitted by public utilities pursuant to this section in order to determine whether such plans, the costs necessarily incurred in implementing such plans, and any effect on rates resulting from such implementation are in the public interest. The commission shall by order approve or disapprove plans to implement compliance submitted by public utilities within 8 months after the date of filing. Approval of a plan submitted by a public utility shall establish that the utility's plan to implement compliance is prudent and the commission shall retain jurisdiction to determine in a subsequent proceeding that the actual costs of implementing the compliance plan are reasonable; provided, however, that nothing in this section shall be construed to interfere with the authority of the Department of Environmental ~~Protection Regulation~~ to determine whether a public utility is in compliance with ss. 403.087 and 403.0872 or the State Air Implementation Plan for the Clean Air Act.

Section 183. Section 367.031, Florida Statutes, is amended to read:

367.031 Original certificate.—Each utility subject to the jurisdiction of the commission must obtain from the commission a certificate of authorization to provide water or wastewater service or an order recognizing that the system is exempt from regulation as provided by s. 367.022. A utility must obtain a certificate of authorization or an exemption order from the commission prior to being issued a permit by the Department of Environmental ~~Protection Regulation~~ for the construction of a new water or wastewater facility or prior to being issued a consumptive use or drilling permit by a water management district. The commission shall grant or deny an application for a certificate of authorization within 90 days after the official filing date of the completed application, unless an objection is filed pursuant to s. 120.57, or the application will be deemed granted.

Section 184. Paragraph (b) of subsection (4) of section 367.081, Florida Statutes, is amended to read:

367.081 Rates; procedure for fixing and changing.—

(4)

(b) The approved rates of any utility which receives all or any portion of its utility service from a governmental authority or from a water or wastewater utility regulated by the commission and which redistributes that service to its utility customers shall be automatically increased or decreased without hearing, upon verified notice to the commission 45 days prior to its implementation of the increase or decrease that the rates charged by the governmental authority or other utility have changed. The approved rates of any utility which is subject to an increase or decrease in the rates or fees that it is charged for electric power, the amount of ad valorem taxes assessed against its used and useful property, the fees charged by the Department of Environmental ~~Protection Regulation~~ in connection with the

National Pollutant Discharge Elimination System Program, or the regulatory assessment fees imposed upon it by the commission shall be increased or decreased by the utility, without action by the commission, upon verified notice to the commission 45 days prior to its implementation of the increase or decrease that the rates charged by the supplier of the electric power or the taxes imposed by the governmental authority, or the regulatory assessment fees imposed upon it by the commission have changed. The new rates authorized shall reflect the amount of the change of the ad valorem taxes or rates imposed upon the utility by the governmental authority, other utility, or supplier of electric power, or the regulatory assessment fees imposed upon it by the commission. The approved rates of any utility shall be automatically increased, without hearing, upon verified notice to the commission 45 days prior to implementation of the increase that costs have been incurred for water quality or wastewater quality testing required by the Department of Environmental ~~Protection Regulation~~. The new rates authorized shall reflect, on an amortized basis, the cost of, or the amount of change in the cost of, required water quality or wastewater quality testing performed by laboratories approved by the Department of Environmental ~~Protection Regulation~~ for that purpose. The new rates, however, shall not reflect the costs of any required water quality or wastewater quality testing already included in a utility's rates. A utility may not use this procedure to increase its rates as a result of water quality or wastewater quality testing or an increase in the cost of purchased water services, sewer services, or electric power or in assessed ad valorem taxes, which increase was initiated more than 12 months before the filing by the utility. The provisions of this subsection do not prevent a utility from seeking a change in rates pursuant to the provisions of subsection (2).

Section 185. Subsection (2) of section 367.111, Florida Statutes, is amended to read:

367.111 Service.—

(2) Each utility shall provide to each person reasonably entitled thereto such safe, efficient, and sufficient service as is prescribed by part VI of chapter 403 and parts I and II of chapter 373, or rules adopted pursuant thereto; but such service shall not be less safe, less efficient, or less sufficient than is consistent with the approved engineering design of the system and the reasonable and proper operation of the utility in the public interest. If the commission finds that a utility has failed to provide its customers with water or wastewater service that meets the standards promulgated by the Department of Environmental ~~Protection Regulation~~ or the water management districts, the commission may reduce the utility's return on equity until the standards are met.

Section 186. Paragraph (a) of subsection (3), paragraph (a) of subsection (4), paragraphs (a) and (b) of subsection (5), and subsection (7) of section 369.105, Florida Statutes, are amended to read:

369.105 Florida Youth Conservation Corps.—

(3) DEFINITIONS.—

(a) "Department" means the Department of ~~Environmental Protection~~ ~~Natural Resources~~.

(4) CREATION OF THE FLORIDA YOUTH CONSERVATION CORPS.—

(a) There is hereby created within the department of ~~Natural Resources~~ an Office of Civilian Conservation, headed by a director, who shall administer a program to be known as the Florida Youth Conservation Corps. The corps shall be a year-round public service program that provides participants with a work and educational experience. Such experience may include, but is not limited to:

1. Construction of coastal vegetation signs and dune boardwalks.
2. Performance of community field tasks, such as red tide cleanup or clearing land for parks.
3. Forestry work, including reforestation, seed bank work, controlled burning, and fire trail maintenance.
4. Endangered species preservation, including tasks in wildlife habitat improvement.
5. Park and recreation improvement, including construction, installation, and repair of facilities.
6. Trail construction, clearing, or signing.
7. Land reclamation, including public landscape work and a tree planting program.
8. Fisheries work, including tagging projects and data collection.
9. Responding to natural disaster emergencies, such as hurricane preparedness and cleanup, flood work, and forest firefighting.
10. Energy conservation, such as the installation of solar hot water devices in public facilities, the performance of energy audits, and energy conservation improvements in housing of persons of low or moderate income.
11. Marine and shore habitat restoration, such as sea oats, sea grass, and mangrove implanting.
12. Soil conservation projects, including erosion control.
13. Highway and community beautification.
14. Renovation and restoration of housing of low and moderate income persons.
15. Urban revitalization.
16. Historical and cultural site preservation and maintenance.
17. Stream, lake, waterfront, harbor, and port improvement and pollution control.

(5) APPOINTMENT OF A DIRECTOR; DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT.—

(a) The director of the Office of Civilian Conservation shall be appointed by the secretary ~~executive director~~ of the department of ~~Natural Resources~~.

(b) To implement the provisions of this section, the department of ~~Natural Resources~~ shall:

1. Adopt, by rule, criteria for selecting applicants.

2. Recruit and employ staff, corpsmembers, crew leaders, and corpsmember specialists of the Florida Youth Conservation Corps.
3. Execute contracts for employment of members of the corps.
4. Establish residential and nonresidential centers throughout the state to accomplish the missions and objectives of the corps.
5. Establish work programs as specified herein that provide meaningful work and educational experience.
6. Provide, in cooperation with the Department of Education, an educational program, using existing educational resources where feasible, which assures that all corpsmembers, crew leaders, and corpsmember specialists have an opportunity to enhance their basic skills, employability skills, and vocational competence. The program shall include at least the following components:
 - a. Procedures for the provision of basic skills instruction for corpsmembers, crew leaders, and corpsmember specialists who demonstrate basic skills deficiencies.
 - b. Procedures for the provision of secondary education courses for high school credit for students studying to receive a high school diploma or its equivalent.
 - c. Procedures for the award of vocational credit toward the receipt of a postsecondary adult vocational program certificate for vocational competencies demonstrated by corpsmembers, crew leaders, and corpsmember specialists, during the performance of corps activities.
 - d. Procedures for the provision of employability skills training to assist corpsmembers, crew leaders, and corpsmember specialists in finding gainful employment after leaving the corps.

The work of the corps shall be structured to accommodate the educational component without significantly reducing the productivity of the corps.

7. Adopt, by rule, a corpsmember code of conduct, corpsmember grievance procedures, and search and seizure guidelines.
8. Provide basic medical care to those members of the corps housed in a residential center.
9. Report, on or before July 1 of each year, to the Governor and Legislature on the significant activities of the corps in accomplishing its objectives, including the cost-effectiveness of projects completed.

(7) **YOUTH CONSERVATION CORPS TRUST FUND.**—All grants, contributions, reimbursements, and other moneys collected as authorized in this section that would otherwise be deposited in the general revenue accounts of the State Treasury shall be deposited in the Youth Conservation Corps Trust Fund, which is hereby created in the department of Natural Resources, and shall remain in such account until expended by the department for the purposes of this section.

Section 187. Subsections (2) and (5) of section 369.20, Florida Statutes, are amended to read:

369.20 Florida Aquatic Weed Control Act.—

(2) The Department of Environmental Protection ~~Natural Resources~~ shall direct the control, eradication, and regulation of noxious aquatic weeds and direct the research and planning related to these activities, as provided in this section, excluding the authority to use fish as a biological control agent, so as to protect human health, safety, and recreation and, to the greatest degree practicable, prevent injury to plant and animal life and property.

(5) The Department of Environmental Protection ~~Natural Resources~~ may disburse funds to any special district or other local authority charged with the responsibility of controlling or eradicating aquatic plants, upon:

(a) Receipt of satisfactory proof that such district or authority has sufficient funds on hand to match the state funds herein referred to on an equal basis;

(b) Approval by the department of the control techniques to be used by the district or authority; and

(c) Review and approval of the program of the district or authority by the department to be in conformance with the state control plan.

Section 188. Paragraph (a) of subsection (2) and subsection (3) of section 369.22, Florida Statutes, are amended to read:

369.22 Nonindigenous aquatic plant control.—

(2) For the purpose of this section, the following words and phrases shall have the following meanings:

(a) "Department" means the Department of Environmental Protection ~~Natural Resources~~.

(3) The Legislature recognizes that the uncontrolled growth of nonindigenous aquatic plants in the waters of Florida poses a variety of environmental, health, safety, and economic problems. The Legislature acknowledges the responsibility of the state to cope with the uncontrolled and seemingly never-ending growth of nonindigenous aquatic plants in the waters throughout Florida. It is, therefore, the intent of the Legislature that the state policy for the control of nonindigenous aquatic plants in waters of state responsibility be carried out under the general supervision and control of the department of ~~Natural Resources~~, and that the state itself be responsible for the control of such plants in all intercounty waters; but that control of such plants in intracounty waters be the designated responsibility of the appropriate unit of local or county government, special district, authority, or other public body. It is the intent of the Legislature that the control of nonindigenous aquatic plants be carried out primarily by means of maintenance programs, rather than eradication or complaint spray programs, for the purpose of achieving more effective control at a lower long-range cost. It is also the intent of the Legislature that the department guide, review, approve, and coordinate all nonindigenous aquatic plant control programs within each of the water management districts as defined in paragraph (2)(j). It is the intent of the Legislature to account for the costs of nonindigenous aquatic plant maintenance programs by watershed for comparison management purposes.

Section 189. Paragraph (b) of subsection (1) of section 369.25, Florida Statutes, is amended to read:

369.25 Aquatic plants; definitions; permits; powers of department; penalties.—

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

(b) "Department" means the Department of Environmental Protection Natural Resources.

Section 190. Section 369.251, Florida Statutes, is amended it read:

369.251 Invasive nonnative plants; prohibitions; study; removal; rules.—

(1) A person may not sell, transport, collect, cultivate, or possess any plant, including any part or seed, of the species *Melaleuca quinquenervia*, *Schinus terebinthifolius*, *Casuarina equisetifolia*, *Casuarina glauca*, or *Mimosa pigra* without a permit from the department of ~~Natural Resources~~. Any person who violates this section commits a misdemeanor of the second degree, punishable by fine only, as provided in s. 775.083.

(2) The department of ~~Natural Resources~~ shall study methods of control of plants of the species *Melaleuca quinquenervia*, *Schinus terebinthifolius*, *Casuarina equisetifolia*, *Casuarina glauca*, and *Mimosa pigra*. The South Florida Water Management District shall undertake programs to remove such plants from conservation area I, conservation area II, and conservation area III of the district.

(3) The department of ~~Natural Resources~~ shall adopt rules necessary to implement this section. Possession or transportation resulting from natural dispersion, mulching operations, control and disposal, or use in herbaria or other educational or research institutions, or for other reasons determined by the department to be consistent with this section and where there is neither the danger of, nor intent to, further disperse any plant species prohibited by this section, is not subject to the permit or penalty provisions of this section.

Section 191. Subsection (5) of section 369.307, Florida Statutes, is amended to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(5) The Department of Environmental Protection Natural Resources is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035.

Section 192. Subsections (5), (14), and (16) of section 370.01, Florida Statutes, are amended to read:

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(5) "Salt water," except where otherwise provided by law, shall be all of the territorial waters of Florida excluding all lakes, rivers, canals, and other waterways of Florida from such point or points where the fresh and salt waters commingle to such an extent as to become unpalatable because of the saline content, or from such point or points as may be fixed for conservation purposes by the Division of Marine Resources of the Department of Environmental Protection and the Game and Fresh Water Fish Commission, of the Department of ~~Natural Resources~~ with the

consent and advice of the board of county commissioners of the county or counties to be affected.

(14) "Department" shall mean the Department of Environmental Protection Natural Resources.

(16) "Erosion control," "beach preservation," and "hurricane protection" shall include any activity, work, program, project, or other thing deemed necessary by the Division of Marine Resources of the Department of Environmental Protection Natural Resources to effectively preserve, protect, restore, rehabilitate, stabilize, and improve the beaches and shores of this state, as defined above.

Section 193. Section 370.013, Florida Statutes, is amended to read:

370.013 Department of Environmental Protection Natural Resources; general function.—The Department of Environmental Protection Natural Resources is charged with the administration, supervision, development and conservation of the natural resources of the state.

Section 194. Section 370.015, Florida Statutes, is amended to read:

370.015 Development of Suwannee River and area.—The Department of Environmental Protection Natural Resources, through its Suwannee River Authority, is granted the authority to guide, stimulate, and promote the coordinated, efficient, and beneficial development and improvement of the Suwannee River and its tributaries and surrounding area. Expenditures of funds therefor are hereby declared to be for a proper public purpose.

Section 195. Section 370.02, Florida Statutes, is amended to read:

370.02 Department of Environmental Protection Natural Resources.—

(1) DIVISION OF ADMINISTRATION; POWERS AND DUTIES.—The Division of Administration shall have the duty and responsibility of rendering any services required by the department and its several divisions, ~~herein set forth~~, that can advantageously and effectively be centralized and such other functions and duties of the department not specifically assigned by law to some other division. Necessary promotional expenses incurred in such activities of the department shall include, but not be limited to, conventions, conferences, and meetings within and without this state, and shall be paid from the water resources development account in amounts totaling not more than \$2,000 per fiscal year.

(2) DIVISION OF MARINE RESOURCES; POWERS AND DUTIES.—

(a) It shall be the duty of the Division of Marine Resources of the department to preserve, manage, and protect the marine resources of the state in the waters thereof; to regulate the operations of all fishermen and vessels of this state engaged in the taking of such fishery resources within or without the boundaries of such state waters; to issue licenses and permits or provide for the issuance of licenses and permits prescribed by the Legislature; to secure and maintain statistical records of the catch of marine species by various gear, by areas, and by other appropriate classifications; to initiate or enter into agreements with other state and federal agencies for research, licensing, and permitting; to conduct scientific, economic, and other studies and research; and to enter into contracts for such studies and research, all of which duties and operations shall be directed to the broad objective of managing such resources in the interest of all people of the state.

(b) There is established within the Division of Marine Resources the Florida Marine Research Institute. The purpose of the institute shall be to conduct high-quality marine research on which management decisions can be based. The institute may:

1. Conduct marine research, including, but not limited to, long-term research on population dynamics and ecology, as well as short-term projects.
2. Assign priorities for its research and studies, including allocation of resources and personnel.
3. Provide suitable and sufficient laboratory facilities and equipment for carrying out research and studies.
4. Make research results available to public and private entities.
5. Cooperate with other public and private entities, including, but not limited to, educational facilities, laboratories, and industry through joint programs, collaborative agreements, contracts, and grants.
6. Seek or accept grants on behalf of the institute and individual institute personnel, including, but not limited to, foundation grants.

(c) The Division of Marine Resources shall administer, coordinate, and enforce the provisions of ss. 370.03, 370.041, 370.06-370.172, and chapter 371.

(3) DIVISION OF RESOURCE MANAGEMENT; POWERS AND DUTIES.

(a) It is ~~shall~~ be the duty of the Division of Resource Management to coordinate the activities of all public bodies, authorities, agencies, and special districts charged with the development of waterways within the state, whether such bodies, authorities, agencies, or special districts now exist or may hereafter be created by general or special act of the Legislature.

(b) The division shall also foster, promote, and guide development of an integrated system of waterways within the state, utilizing, where practical, the natural bodies of water lying therein.

~~(c) This division may disburse to the canal authority of the state any funds transferred to the department by the Board of Trustees of the Internal Improvement Trust Fund as herein provided to be used as matching funds for the purpose of acquiring rights-of-way for any waterways development project authorized by an appropriate federal or state agency the route of which is to pass through or adjacent to the counties comprising any special taxing district created for the purpose of raising funds for acquiring such rights-of-way. Provided, however, no such matching funds shall be so disbursed except upon approval of the department and upon receipt of satisfactory proof from the canal authority that it has sufficient funds on hand to match the state funds herein referred to on an equal basis. The Board of Trustees of the Internal Improvement Trust Fund shall transfer to the department such of its funds as may be available and as the department may deem necessary to provide the matching funds herein authorized. The use of the funds of the Land Acquisition Trust Fund for the purposes herein shall be deemed a valid use of said funds.~~

~~(c)~~(d) It is ~~shall~~ be the duty of the Division of Resource Management to administer, coordinate, and enforce the functions of the division as set forth in ss. 377.075

and 373.012. The division shall also administer, enforce, and coordinate the provisions of chapter 377 relating to conservation of oil and gas resources.

(d)(e) The Division of Resource Management shall perform all powers, duties, and functions of the former Division of Interior Resources not transferred elsewhere by chapter 75-22, Laws of Florida. The division shall also perform functions including, but not limited to, preservation, management, and protection of lands held by the state other than parks and recreational and wilderness areas. The division shall also carry out the responsibilities of boundary determination pursuant to chapter 253.

(4) DIVISION OF LAW ENFORCEMENT; POWERS AND DUTIES.—The Division of Law Enforcement shall perform the duties currently assigned to the Bureau of Law Enforcement of the Division of Marine Resources.

(5) DIVISION OF BEACHES AND SHORES; POWERS AND DUTIES.—

(a) The Department of Environmental Protection Natural Resources acting through the Division of Beaches and Shores shall be the state agency for:

1. Administering, coordinating, enforcing, and carrying out the powers, duties, functions, and responsibilities relating to beach and shore erosion, including restoration and protection against hurricane and storm damage.

2. Processing of applications and issuing of permits prior to commencement of work for all coastal construction, physical activity, or structures pertaining thereto, except those authorized to be constructed under chapter 253, below the mean high-water line of any body of tidal water within the limits of the state and the setting of reasonable fees and costs therefor.

(b) Specific duties of the Division of Beaches and Shores shall include the duties:

1. To administer, coordinate, and enforce the provisions of chapter 161.

2. To conduct, direct, encourage, coordinate, and organize a continuing program of research into problems of beach erosion, shoreline deterioration, and hurricane protection.

3. To prepare a comprehensive, long-range statewide plan for erosion control, beach preservation, and hurricane protection.

4. To review all plans and activity pertinent to erosion control, beach preservation, and hurricane protection, and to provide coordination in these fields among the various levels of government and areas of the state.

5. To make recommendations to the department concerning the use of funds in the erosion control account.

6. To ensure the proper regulation of shoreline alteration and development by investigating proposed work and making recommendations to the department.

7. To promote sound planning and development of shoreline upland by devising standards and working closely with local planning and zoning bodies.

8. To coordinate erosion control, beach preservation, and hurricane protection activities with waterways, harbors, water control, and development projects.

9. To provide a clearing service for erosion control, beach preservation, and hurricane protection matters by collecting, processing, and disseminating pertinent information.

10. To assist and guide localities in the preparation and execution of integrated erosion control, beach preservation, and hurricane protection programs.

11. To provide such other services as the department may direct.

Section 196. Subsection (1) of section 370.0205, Florida Statutes, is amended to read:

370.0205 Citizen support organizations; use of property; audit; public records.

(1) DEFINITIONS.—For the purposes of this section, a “citizen support organization” means an organization which is:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Department of ~~Environmental Protection Natural Resources~~ or individual units of the department. The citizen support organization may not receive funds from the department of ~~Natural Resources~~ or the Florida Marine Research Institute by grant, gift, or contract unless specifically authorized by the Legislature;

(c) Determined by the appropriate division of the Department of ~~Environmental Protection Natural Resources~~ to be consistent with the goals of the department and in the best interests of the state; and

(d) Approved in writing by the department to operate for the direct or indirect benefit of the individual units of the department. Such approval shall be given in a letter of agreement from the department.

Section 197. Subsections (1) and (3), paragraph (a) of subsection (5), and subsection (7) of section 370.021, Florida Statutes, are amended to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(1) RULES AND REGULATIONS.—The Department of ~~Environmental Protection Natural Resources~~ shall make, adopt, promulgate, amend, and repeal all rules and regulations necessary or convenient for the carrying out of the duties, obligations, powers, and responsibilities conferred on the department or any of its divisions. The director of each division shall submit to the department suggested rules and regulations for that division. Any person violating or otherwise failing to comply with any of the rules and regulations adopted as aforesaid is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless otherwise provided by law.

(3) RULES; ADMISSIBILITY AS EVIDENCE.—Rules and regulations shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the ~~secretary executive director~~ of the department certifying that the rule

or regulation has been lawfully adopted, promulgated, and published; and such affidavit shall be prima facie evidence of proper adoption, promulgation, and publication of the rule or regulation.

(5) POWERS OF OFFICERS.—

(a) The department may designate such employees of the several divisions, as it may deem necessary in its discretion, as law enforcement officers, who shall meet the provisions of s. 943.13(1)-(10) and have the powers and duties conferred in this subsection, except that such employees shall comply with the provisions of chapter 943. Such officers, ~~together with the executive director~~ and the Director of the Division of Law Enforcement, are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state and the rules and regulations of the department under their jurisdiction and for violations of chapter 253 and the rules and regulations promulgated thereunder. The general laws applicable to arrests by peace officers of this state shall also be applicable to such law enforcement officers. Such law enforcement officers may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry will not constitute a trespass. It is lawful for any boat, motor vehicle, or aircraft owned or chartered by the department or its agents or employees to land on and depart from any of the beaches or waters of the state. Such law enforcement officers have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products. Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules promulgated under this law. Any such law enforcement officer may at any time seize or take possession of any saltwater products or contraband which have been unlawfully caught, taken, or processed or which are unlawfully possessed or transported in violation of any of the laws of this state or any rule or regulation of the department. Such law enforcement officers may arrest any person in the act of violating any of the provisions of this law, the rules or regulations of the department, the provisions of chapter 253 and the rules and regulations promulgated thereunder, or any of the laws of this state. It is hereby declared unlawful for any person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him by law or regulation of the department.

(7) RETENTION, DESTRUCTION, AND REPRODUCTION OF RECORDS.—Records and documents of the Department of Environmental Protection Natural Resources which are created in compliance with and in the implementation of ~~chapter~~ chapters 370 ~~or former chapter~~ and 371 shall be retained by the department as specified in record retention schedules established under the general provisions of chapters 119 and 257. Further, the department is authorized to:

(a) Destroy, or otherwise dispose of, those records and documents in conformity with the approved retention schedules.

(b) Photograph, microphotograph, or reproduce such records and documents on film, as authorized and directed by the approved retention schedules, whereby

each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. The impression of the seal of the Department of Environmental Protection ~~Natural Resources~~ on a certificate made pursuant to the provisions hereof and signed by the Secretary ~~executive director~~ of Environmental Protection ~~the Department of Natural Resources~~ shall entitle the same to be received in evidence in all courts and in all proceedings in this state and shall be prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records, as set forth in the certificate, or in a schedule continued on an attachment to the certificate.

(c) Furnish certified copies of such records for a fee of \$1 which shall be deposited in the Motorboat Revolving Trust Fund.

Section 198. Subsection (1) of section 370.023, Florida Statutes, is amended to read:

370.023 Administration of department grant programs.—

(1) The Department of Environmental Protection ~~Natural Resources~~ is authorized to establish grant programs which are consistent with statutory authority and legislative appropriations. The department is further authorized to receive funds from any legal source for purposes of matching state dollars or for passing through the agency as grants to other entities whether or not matching funds or in-kind matches are required.

Section 199. Subsection (2) of section 370.025, Florida Statutes, is amended to read:

370.025 Marine fisheries; policy and standards.—

(2) All rules relating to saltwater fisheries adopted by the department pursuant to this chapter or adopted by the Marine Fisheries Commission and approved by the Governor and Cabinet as the Board of Trustees of the Internal Improvement Trust Fund ~~head of the department~~ shall be consistent with the following standards:

(a) The paramount concern of conservation and management measures shall be the continuing health and abundance of the marine fisheries resources of this state.

(b) Conservation and management measures shall be based upon the best information available, including biological, sociological, economic, and other information deemed relevant by the commission.

(c) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance on a continuing basis.

(d) When possible and practicable, stocks of fish shall be managed as a biological unit.

(e) Conservation and management measures shall assure proper quality control of marine resources that enter commerce.

(f) State marine fishery management plans shall be developed to implement management of important marine fishery resources.

(g) Conservation and management decisions shall be fair and equitable to all the people of this state and carried out in such a manner that no individual, corporation, or entity acquires an excessive share of such privileges.

(h) Federal fishery management plans and fishery management plans of other states or interstate commissions should be considered when developing state marine fishery management plans. Inconsistencies should be avoided unless it is determined that it is in the best interest of the fisheries or residents of this state to be inconsistent.

Section 200. Subsections (1) and (4) of section 370.026, Florida Statutes, are amended to read:

370.026 Marine Fisheries Commission.—

(1) There is created within the Board of Trustees of the Internal Improvement Trust Fund Department of Natural Resources a Marine Fisheries Commission which shall be composed of seven members who have resided in the state for at least 5 years. The seven members shall be appointed by the Governor, subject to confirmation by the Senate, and shall be exempt from the Career Service System. The Governor shall consider affected interests when making appointments to the commission. No single interest group shall dominate the membership of the commission. As soon as practicable after this act becomes a law, two members shall be appointed for terms ending August 1, 1985; three members shall be appointed for terms ending August 1, 1986; and the remaining members shall be appointed for terms ending August 1, 1987. Thereafter, all appointments shall be for 4-year terms. If a vacancy occurs, a member shall be appointed by the Governor for the unexpired term. A commission member whose term has expired shall continue sitting on the commission with full rights until he has been replaced.

(4) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department staff after it has been approved by the commission, but it shall be transmitted to the Board of Trustees of the Internal Improvement Trust Fund Governor and Cabinet as head of the department for submission to the Governor in the exercise of his constitutional duties.

Section 201. Section 370.027, Florida Statutes, is amended to read:

370.027 Rulemaking authority with respect to marine life.—

(1) Pursuant to the policy and standards in s. 370.025, the Marine Fisheries Commission is delegated full rulemaking authority over marine life, with the exception of endangered species, subject to final approval by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund head of the Department of Natural Resources, in the areas of concern herein specified. The commission is instructed to make recommendations annually to the Governor and Cabinet regarding the marine fisheries research priorities and funding of the Department of Environmental Protection. All administrative and enforcement responsibilities which are unaffected by the specific provisions of this act continue to be the responsibility of the Department of Environmental Protection. The au-

thority to regulate fishing gear in residential, manmade saltwater canals is specifically not delegated to the commission and is retained by the Legislature.

(2) Exclusive rulemaking authority in the following areas relating to marine life, with the exception of endangered species, is vested in the commission; any conflicting authority of any division or bureau of the department or any other agency of state government is withdrawn as of the effective date of the rule proposed by the commission and approved by the Governor and Cabinet, and the inconsistent rule, or the inconsistent part thereof, is superseded to the extent of the inconsistency:

- (a) Gear specifications;
- (b) Prohibited gear;
- (c) Bag limits;
- (d) Size limits;
- (e) Species that may not be sold;
- (f) Protected species;
- (g) Closed areas, except for public health purposes;
- (h) Quality control, except for oysters, clams, mussels, and crabs;
- (i) Seasons; and
- (j) Special considerations relating to eggbearing females.

(3)(a) The commission, pursuant to this act, shall adopt rules pursuant to chapter 120. When rules are ready for final adoption, the proposed rules shall be submitted ~~by the secretary to the executive director of the department for submission on the regular agenda of the department~~ for final action by the Governor and Cabinet ~~sitting as the Board of Trustees of the Internal Improvement Trust Fund as head of the department~~. In considering a proposed rule recommended by the commission, the Governor and Cabinet may only approve or disapprove the proposed rule. If the rule is disapproved, it shall be withdrawn. The commission shall file a rule for adoption with the Department of State only after the rule is approved by the Governor and Cabinet. The department staff has no authority to change any proposed rule or recommendation submitted by the commission.

(b) The ~~secretary executive director~~ of the department shall appoint a management-level staff member to coordinate with the director of the commission the submission by the commission of proposed rules for final approval by the Governor and Cabinet.

Section 202. Subsection (2) of section 370.03, Florida Statutes, is amended to read:

370.03 Water bottoms.—

(2) CONTROL.—The Division of Marine Resources of the Department of ~~Environmental Protection Natural Resources~~ has exclusive power and control over all water bottoms, not held under some grant or alienation heretofore made, including such as may revert to the state by cancellation or otherwise, and may lease the same to any person irrespective of residence or citizenship, upon such terms, conditions and restrictions as said division may elect to impose, without limitation as

to area to any one person, for the purpose of granting exclusive right to plant oysters or clams thereon and for the purpose of fishing, taking, catching, bedding and raising oysters, clams and other shellfish. No such lessee shall re-lease, sublease, sell or transfer any such water bottom or property; provided, that nothing herein contained shall be construed as giving said division authority to lease sponge beds.

Section 203. Section 370.031, Florida Statutes, is amended to read:

370.031 Choctawhatchee Bay, use study.—

(1) The Department of ~~Natural Resources~~ Environmental Protection is hereby directed to conduct an economic, ecological, and biological study of Choctawhatchee Bay, and the inlets and tributaries thereof, to determine the best possible use or uses of the bay. The department shall consider, among other things, the potential use of the bay for: Sport and commercial fishing, shell-dredging, mariculture, and other recreational, commercial and industrial uses. The study shall include the development of suggested rules and regulations for the protection of the bay to ensure that the best use of the bay will continue.

(2) The department may utilize the services, personnel, or facilities of any state institution, agency, department, or other state body either through contract or agreement in carrying out the provisions of this section.

(3) The department is hereby authorized to use any funds appropriated for research in its trust funds to the extent necessary to carry out the provisions of this section.

Section 204. Subsection (5) of section 370.032, Florida Statutes, is amended to read:

370.032 Definitions; ss. 370.032-370.038.—The following words, terms, and phrases when used in ss. 370.032-370.038 shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(5) "Department" means the Department of ~~Natural Resources~~ Environmental Protection.

Section 205. Section 370.033, Florida Statutes, is amended to read:

370.033 Legislative intent.—It is the legislative intent to require all persons who engage in any dredge or fill activities in this state to obtain a certificate of registration from the department of ~~Natural Resources~~ and also to keep accurate logs and records of all such activities so that the natural resources may be protected and conserved.

Section 206. Subsections (1) and (2) of section 370.034, Florida Statutes, are amended to read:

370.034 Certificate required; return; application; filing fee.—

(1) Every person owning or controlling any dredge or fill equipment in this state, or leasing or renting such equipment to any other person to operate in this state, shall make a return under oath to the department of ~~Natural Resources~~ on October 1 of each year in such form as provided by the department of the number and kind of pieces of such dredge or fill equipment owned, used or operated, leased or rented to be used in this state in dredge or fill activities, and shall, on the same

day, obtain a certificate of registration from the department authorizing use of such equipment.

(2) No certificate shall be issued except upon written application. The department, before issuing a certificate, shall require the person applying for the certificate to file, under oath, a statement giving full and complete information relative to the number and kind of pieces of dredge or fill equipment owned, used or operated, leased or rented to be used in this state in dredge or fill activities. The applications and statements required by this section shall be retained as a part of the records of the department of ~~Natural Resources~~.

Section 207. Subsection (2) of section 370.037, Florida Statutes, is amended to read:

370.037 Denial, suspension, or revocation of certificate.—

(2) Proceedings may be instituted by the department of ~~Natural Resources~~ or by any other party by filing a sworn written complaint with the department.

Section 208. Section 370.038, Florida Statutes, is amended to read:

370.038 Rules and regulations.—The department of ~~Natural Resources~~ is authorized to make and adopt reasonable rules, regulations, and orders necessary to carry out the provisions of ss. 370.033-370.037.

Section 209. Paragraphs (a), (b), and (d) of subsection (2) of section 370.06, Florida Statutes, are amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation which sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 year out of the last 3 years. For the purpose of this section "in-

come" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits.

1. The department is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;

b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;

c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;

d. Crew share statements verifying income earned from the sale of saltwater products; or

e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market and/or restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his retail store and has had a saltwater products license for 1 of the past 3 years prior to January 1, 1990, may provide proof of his verification of income and sales value at his retail seafood market and/or restaurant and in his saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.

b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.

c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

e. A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least \$2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.

f. A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or s. 370.07(1)(b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 327.11(7) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of \$50 for a saltwater products license issued in the name of an individual or \$100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of \$200 for a saltwater products license issued in the name of an individual or \$400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of \$300 for a saltwater products license issued in the name of an individual or \$600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold, and an imprint made thereof. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the Department of Environmental Protection Natural Resources not in conflict with s. 370.07(6), and shall provide the holder of the saltwater products license with a copy of the record. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The Department of Environmental Protection Natural Resources shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

(b) Any person who sells, offers for sale, barter, or exchanges for merchandise saltwater products must have a method of catch preservation which meets the requirements and standards of the seafood quality control code promulgated by the Department of Environmental Protection Natural Resources.

(d)1. In addition to the saltwater products license, a marine life fishing endorsement shall be required for the harvest of marine life species as defined by rule of the Marine Fisheries Commission.

2. The fee for a marine life fishery endorsement on a saltwater products license shall be \$75. These license fees shall be collected and deposited as follows:

a. Fifty percent of the fees shall be deposited in the Motorboat Revolving Trust Fund for the purchase and installation of vessel mooring buoys at coral reef sites; and

b. Fifty percent of the fees shall be deposited in the Marine Biological Research Trust Fund and shall be used by the Department of Environmental Protection ~~Natural Resources~~ for research with respect to marine life fisheries.

Section 210. Paragraph (b) of subsection (2) of section 370.0605, Florida Statutes, is amended to read:

370.0605 Saltwater fishing license required; fees.—

(2) Saltwater fishing license fees are as follows:

(b)1. For any person who operates any vessel licensed to carry more than 10 customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, \$800 per year. The license must be kept aboard the vessel at all times.

2. For any person who operates any vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying six or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, \$400 per year; provided any person licensed to operate any vessel carrying six or fewer customers but who operates a vessel carrying four or fewer customers, wherein a fee is paid, either directly or indirectly, for such purposes, \$200 per year. The license must be kept aboard the vessel at all times.

3. A person who operates a vessel required to be licensed pursuant to subparagraph 1. or subparagraph 2. may obtain a license in his own name, and such license shall be transferable and apply to any vessel operated by the purchaser, provided that the purchaser has paid the appropriate license fee.

4. For any pier fixed to the land wherein a fee is paid directly to the owner, operator, or custodian of the pier for the purpose of taking or attempting to take marine fish therefrom, \$500 per year. Owners, operators, or custodians who elect to purchase such license must have the license available for inspection at all times.

5. For a recreational vessel not for hire and for which no fee is paid either directly or indirectly by guests, for the purpose of taking or attempting to take marine fish noncommercially, \$2,000 per year. The license may be purchased at the option of the vessel owner and must be kept aboard the vessel at all times. A log of species taken and the date the species were taken shall be maintained and a copy of the log filed with the Department of Environmental Protection ~~Natural Resources~~ at the time of renewal of the license.

Section 211. Section 370.0607, Florida Statutes, is amended to read:

370.0607 Marine information system.—The Department of Environmental Protection Natural Resources shall establish by rule a marine information system in conjunction with the licensing program to gather marine fisheries data.

Section 212. Subsections (2) and (3) of section 370.0608, Florida Statutes, are amended to read:

370.0608 Deposit of license fees.—All license fees collected pursuant to s. 370.0605 shall be deposited as follows:

(2) Not less than 2.5 percent of the total fees collected shall be deposited in the Aquatic Resources Education Account within the Save Our State Environmental Education Trust Fund hereby created in the Department of Environmental Protection Natural Resources to be used for aquatic education purposes.

(3)(a) The remainder of such fees shall be deposited into the Marine Resources Conservation Trust Fund which is hereby created within the Department of Environmental Protection Natural Resources to be used by the department for the following program functions:

1. Not more than 5 percent of the total fees collected, for administration of the licensing program and for information and education.
2. Not more than 30 percent of the total fees collected, for law enforcement.
3. Not less than 30 percent of the total fees collected, for marine research.
4. Not less than 30 percent of the total fees collected, for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

(b) The Legislature shall annually appropriate to the Department of Environmental Protection Natural Resources from the General Revenue Fund for the activities and programs specified in paragraph (a) at least the same amount of money as was appropriated to the department from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the department for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the department for such activities and programs from the General Revenue Fund. The proceeds from saltwater fishing license fees paid by fishermen shall only be appropriated to the Department of Environmental Protection Natural Resources.

(c) The Department of Environmental Protection Natural Resources and the Game and Fresh Water Fish Commission shall develop and maintain a memorandum of understanding to provide for the equitable allocation of federal aid available to Florida pursuant to the Sport Fish Restoration Administration Funds. Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed between the department and the commission in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, the department and the commission, at a minimum, shall provide the following:

1. Not less than 5 percent or more than 10 percent of the funds allocated to each agency shall be expended for an aquatic resources education program; and

2. Not less than 10 percent of the funds allocated to each agency shall be expended for acquisition, development, renovation, or improvement of boating facilities.

Section 213. Section 370.0609, Florida Statutes, is amended to read:

370.0609 Expenditure of funds.—Any moneys available pursuant to s. 370.0608(3)(a)3. shall be expended by the Department of Environmental Protection Natural Resources within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; Florida Marine Research Institute of the Department of Environmental Protection Natural Resources; Indian River Region Research Institute; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; and Rosentiel School of Marine and Atmospheric Science.

Section 214. Paragraph (a) of subsection (1) of section 370.0615, Florida Statutes, is amended to read:

370.0615 Lifetime licenses.—

(1) A resident lifetime saltwater fishing license authorizes the holder to engage in the following noncommercial activities:

(a) To take or attempt to take or possess marine fish consistent with state and federal regulations and rules of the Department of Environmental Protection Natural Resources or the Marine Fisheries Commission.

Section 215. Section 370.062, Florida Statutes, is amended to read:

370.062 Department of Environmental Protection Natural Resources license program for tarpon; fees; penalties.—

(1) The Department of Environmental Protection Natural Resources shall establish a license program for the purpose of issuing tags to individuals desiring to harvest tarpon (*megalops atlantica*) from the waters of the State of Florida. The tags shall be nontransferable, except that the Marine Fisheries Commission may allow for a limited number of tags to be purchased by professional fishing guides for transfer to individuals, and issued by the department in order of receipt of a properly completed application for a nonrefundable fee of \$50 per tag. The tax collector in those counties designated by the department shall be agents of the department for the purpose of issuing the tags and collecting the fees therefor. To defray the cost of issuing any tag, the issuing tax collector shall collect and retain as his costs, in addition to the tag fee collected, the amount allowed under s. 372.561(4) for the issuance of licenses. Tarpon tags shall expire on December 31 of the calendar year in which issued.

(2) The number of tags to be annually issued shall be determined by rule of the Marine Fisheries Commission. The rule shall be adopted prior to November 30 of each year for the upcoming calendar year. The commission shall in no way allow the issuance of tarpon tags to adversely affect the tarpon population.

(3) Proceeds from the sale of tarpon tags shall be deposited in the Marine Fisheries Commission Trust Fund and shall be used to gather information directly applicable to tarpon management. Provided, however, upon request by the depart-

ment, the commission shall transfer to the department those proceeds from the sale of tarpon tags necessary to defray the cost of administering the tag program.

(4) No individual shall take, kill, or possess any fish of the species *megalops atlantica*, commonly known as tarpon, unless such individual has purchased a tarpon tag and securely attached it through the lower jaw of the fish. Said individual shall within 5 days after the landing of the fish submit a form to the department which indicates the length, weight, and physical condition of the tarpon when caught; the date and location of where the fish was caught; and any other pertinent information which may be required by the department. The department may refuse to issue new tags to individuals or guides who fail to provide the required information.

(5) Any individual including a taxidermist who possesses a tarpon which does not have a tag securely attached as required by this section shall be subject to penalties as prescribed in s. 370.021. Provided, however, a taxidermist may remove the tag during the process of mounting a tarpon. The removed tag shall remain with the fish during any subsequent storage or shipment.

(6) Purchase of a tarpon tag shall not accord the purchaser any right to harvest or possess tarpon in contravention of rules adopted by the Marine Fisheries Commission. No individual may sell, offer for sale, barter, exchange for merchandise, transport for sale, either within or without the state, offer to purchase, or purchase any species of fish known as tarpon.

(7) The department shall prescribe and provide suitable forms and tags necessary to carry out the provisions of this section.

(8) The provisions of this section shall not apply to anyone who immediately returns a tarpon uninjured to the water at the place where the fish was caught.

Section 216. Subsections (4), (5), (7), and (8) of section 370.063, Florida Statutes, are amended to read:

370.063 Special recreational crawfish license.—There is created a special recreational crawfish license, to be issued to qualified persons as provided by this section for the recreational harvest of crawfish (spiny lobster) beginning August 5, 1994.

(4) As a condition precedent to the issuance of a special recreational crawfish license, the applicant must agree to file quarterly reports with the Division of Marine Resources of the Department of Environmental Protection ~~Natural Resources~~, in such form as the division requires, detailing the amount of the licenseholder's crawfish (spiny lobster) harvest in the previous quarter, including the harvest of other recreational harvesters aboard the licenseholder's vessel.

(5) The Department of Environmental Protection ~~Natural Resources~~ shall issue special recreational crawfish licenses beginning in 1994 for the 1994-1995 license year. The fee for each such license is \$100 per year. Each license issued in 1994 for the 1994-1995 license year must be renewed by June 30 of each subsequent year by the initial individual holder thereof. Noncompliance with the reporting requirement in subsection (4) or with the special recreational bag limit established under subsection (6) constitutes grounds for which the department may refuse to renew the license for a subsequent license year. The number of such licenses outstanding in any one license year may not exceed the number issued for the 1994-

1995 license year. A license is not transferable by any method. Licenses that are not renewed expire and may be reissued by the department beginning in the 1995-1996 license year to new applicants otherwise qualified under this section.

(7) The proceeds of the fees collected under this section must be deposited as follows:

(a) Thirty-five percent must be deposited into the Marine Biological Research Trust Fund for research and the development of reliable recreational catch statistics for the crawfish (spiny lobster) fishery.

(b) Forty-five percent must be deposited into the Motorboat Revolving Trust Fund to be used by the Department of Environmental Protection Natural Resources for administration and enforcement of this section.

(c) Twenty percent must be deposited in the Marine Fisheries Commission Trust Fund to be used for the purposes of this section.

(8) The Department of Environmental Protection Natural Resources may adopt rules to carry out the purpose and intent of the special recreational lobster license program.

Section 217. Subsection (1) and paragraphs (f), (h), (i), and (k) of subsection (3) of section 370.07, Florida Statutes, are amended to read:

370.07 Wholesale and retail saltwater products dealers; regulation.—

(1) DEFINITIONS; LICENSES AUTHORIZED.— Annual license or privilege taxes are hereby levied and imposed upon dealers in the state in saltwater products. It is unlawful for any person, firm, or corporation to deal in any such products without first paying for and procuring the license required by this section. Application for all licenses shall be made to the Department of Environmental Protection Natural Resources on blanks to be furnished by it. All licenses shall be issued by the department upon payment to it of the license tax. The licenses are defined as:

(a)1. "Wholesale county dealer" is any person, firm, or corporation which sells saltwater products to any person, firm, or corporation except to the consumer and who may buy saltwater products in the county designated on the wholesale license from any person licensed pursuant to s. 370.06(2) or from any licensed wholesale dealer.

2. "Wholesale state dealer" is a person, firm, or corporation which sells saltwater products to any person, firm, or corporation except to the consumer and who may buy saltwater products in any county of the state from any person licensed pursuant to s. 370.06(2) or from any licensed wholesale dealer.

3. "Wholesale dealer" is either a county or a state dealer.

(b) A "retail dealer" is any person, firm, or corporation which sells saltwater products directly to the consumer, but no license is required of a dealer in merchandise who deals in or sells saltwater products consumed on the premises or prepared for immediate consumption and sold to be taken out of any restaurant licensed by the Division of Hotels and Restaurants of the Department of Business Regulation.

Any person, firm, or corporation which is both a wholesale dealer and a retail dealer shall obtain both a wholesale dealer's license and a retail dealer's license. If a wholesale dealer has more than one place of business, the annual license tax shall be effective for all places of business, provided that the wholesale dealer supplies to the department a complete list of additional places of business upon application for the annual license tax.

(3) APALACHICOLA BAY OYSTER SURCHARGE.—

(f) The Department of Revenue shall collect the surcharge for transfer into the Apalachicola Bay Conservation Trust Fund of the Department of Environmental Protection Natural Resources.

(h) Annually, the Department of Environmental Protection Natural Resources shall furnish the Department of Revenue with a current list of wholesale dealers in the state.

(i) Collections received by the Department of Revenue from the surcharge shall be transferred quarterly to the Department of Environmental Protection Natural Resources Apalachicola Bay Conservation Trust Fund, less the costs of administration.

(k) The Department of Environmental Protection Natural Resources shall use or distribute funds generated by this surcharge, less reasonable costs of collection and administration, to fund the following oyster management and restoration programs in Apalachicola Bay:

1. The relaying and transplanting of live oysters.
2. Shell planting to construct or rehabilitate oyster bars.
3. Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, and other relevant subjects.
4. Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

Section 218. Subsection (1) of section 370.071, Florida Statutes, is amended to read:

370.071 Shellfish processors; regulation.—

(1) The Department of Environmental Protection Natural Resources is authorized to adopt by rule regulations, specifications, and codes relating to sanitary practices for catching, handling, processing, packaging, preserving, canning, smoking, and storing of oysters, clams, mussels, and crabs. The department is also authorized to license or certify facilities used for processing oysters, clams, mussels, and crabs, to suspend or revoke such licenses or certificates upon satisfactory evidence of any violation of rules adopted pursuant to this section, and to seize and destroy any adulterated or misbranded shellfish products as defined by rule.

Section 219. Paragraph (a) of subsection (8) of section 370.08, Florida Statutes, is amended to read:

370.08 Fisherman and equipment; regulation.—

(8) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.—

(a) It is unlawful for any person to place poisons, drugs, or other chemicals in the marine waters of this state unless that person has first obtained a special activity license for such use pursuant to s. 370.06 from the Division of Marine Resources of the Department of Environmental Protection Natural Resources.

Section 220. Paragraph (e) of subsection (4) of section 370.081, Florida Statutes, is amended to read:

370.081 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.—

(4) A zoological park and aquarium may import sea snakes of the family Hydrophiidae for exhibition purposes, only under the following conditions:

(e) Each zoological park and aquarium possessing sea snakes shall post with the department a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Department of Environmental Protection Natural Resources, for use by the department to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the department. The letter of credit shall provide that the zoological park and aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park and aquarium possesses sea snakes.

Section 221. Section 370.082, Florida Statutes, is repealed.

Section 222. Subsection (4) of section 370.0821, Florida Statutes, is amended to read:

370.0821 St. Johns County; use of nets.—

(4) No person, firm, or corporation shall use, or cause to be used, any manner of seine net, other than a recreational net as hereafter defined, in the salt waters of St. Johns County, or within 1 mile seaward of the Atlantic Ocean beaches and coast thereof, without a permit issued by the Division of Marine Resources of the Department of Environmental Protection Natural Resources. Applications for such permits shall be made on forms to be supplied by the division, which shall require the applicant to furnish such information as may be deemed pertinent to the best interests of saltwater conservation. The fee for such permits shall be \$250 per year. Each permit shall entitle the holder thereof to use no more than one seine net at any one time, subject to the provisions of subsections (1), (2), and (3). The division may refuse to grant any permit when it is apparent that the best interests of saltwater conservation will be served by such denial. All permits granted shall be in the holder's possession whenever the holder is engaged in using a seine net. Each permit is subject to immediate revocation upon conviction of a violation of any provision of this section or when it is apparent that the best interests of saltwater conservation will be served by such revocation.

Section 223. Section 370.103, Florida Statutes, is amended to read:

370.103 Agreements with Federal Government for the preservation of saltwater fisheries; authority of department.—The Department of Environmental Protection Natural Resources is authorized and empowered to enter into cooperative agreements with the Federal Government or agencies thereof for the purpose of preserving saltwater fisheries within and without state waters and for the purpose of protecting against overfishing, waste, depletion, or any abuse whatsoever. Such

authority includes the authority to enter into cooperative agreements whereby the Division of Law Enforcement of the department is empowered to enforce federal statutes and rules pertaining to fisheries management. When differences between state and federal laws occur, state laws shall take precedence.

Section 224. Paragraph (b) of subsection (2) and paragraph (e) of subsection (3) of section 370.11, Florida Statutes, are amended to read:

370.11 Fish; regulation.—

(2) LENGTH OF SALTWATER FISH REGULATED.—

(b) It shall not be unlawful for any person, firm or corporation to receive, possess, buy, offer for sale, sell, or transport fluke or flounder of a size smaller than indicated in paragraph (a) if proof satisfactory to the Department of Environmental Protection Natural Resources can be furnished showing these fish were received in legitimate interstate commerce transactions, were caught in waters other than the territorial waters of Florida, or were caught in a depth of water so great that they could not be returned to the water alive. The Department of Environmental Protection Natural Resources shall enact such rules as are necessary relating to the method of providing the proof required for the above exceptions.

(3) REGULATION; FISH; SHAD, PROTECTION DURING SPAWNING SEASON.—No person may use any purse or drag seine, or build or maintain any dike or pound in any stream, river or waters of this state, whereby shad may be prevented from running or passing up or through during their spawning season, between December 31 and March 1 of every year.

(e) Shad; limitation on taking.—

1. As used in this paragraph, "anadromous shad" includes American shad (*Alosa sapidissima*), Hickory shad (*Alosa mediocris*), and Alabama shad (*Alosa Alabamiae*).

2. Commercial fishing for anadromous shad shall be for the period from sunup on December 31 until sundown on March 1. Nets or seines shall be clearly marked in such a manner that the identity of the commercial fisherman's boat registration number may be readily determined. The commercial fishing period established herein shall be closed in the streams and rivers of the state for 48 consecutive hours each week, and nets shall be removed from the water during this period. The Department of Environmental Protection Natural Resources shall have the authority to set the closed hours each year.

3. It is unlawful for any person other than those listed in subparagraph 2. to use any nets and seines, including haul seines, drift gill nets, and stake or set gill nets, except for handheld landing nets, for the taking of shad. However, no boat shall contain in excess of 1,000 yards of gill nets of any kind for the taking of shad, and it shall be unlawful for anyone to use stop nets, as defined in s. 370.08(2), for any purpose.

4. It is unlawful for any person other than those listed in subparagraph 2. to take in 1 day and have in his possession more than 10 anadromous shad.

Section 225. Section 370.1107, Florida Statutes, is amended to read:

370.1107 Definition; possession of certain licensed traps prohibited; penalties; exceptions; consent.—

(1) As used in this section, the term "licensed saltwater fisheries trap" means any trap required to be licensed by the Department of Environmental Protection Natural Resources and authorized pursuant to this chapter or by the Florida Marine Fisheries Commission for the taking of saltwater products.

(2) It is unlawful for any person, firm, corporation, or association to be in actual or constructive possession of a licensed saltwater fisheries trap registered with the Department of Environmental Protection Natural Resources in another person's, firm's, corporation's, or association's name.

(a) Unlawful possession of less than three licensed saltwater fisheries traps is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Unlawful possession of three or more licensed saltwater fisheries traps is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Upon the arrest and conviction for violation of this section, any licenseholder shall show just cause why his license shall not be suspended or permanently revoked.

(3) This section shall not apply to the agents or employees of the registered owner of the licensed saltwater fisheries trap or to a person, firm, corporation or association who has the written consent from the owner of the licensed saltwater fisheries trap, to possess such licensed saltwater fisheries trap, or to agents or employees of the Department of Environmental Protection Natural Resources who are engaged in the removal of traps during the closed season.

(4) The registered owner of the licensed saltwater fisheries trap shall provide the Department of Environmental Protection Natural Resources with the names of any agents, employees, or any other person, firm, company, or association to whom the registered owner has given consent to possess said licensed saltwater fisheries trap.

Section 226. Paragraph (b) of subsection (1), paragraphs (f), (g), (i), and (j) of subsection (2), and paragraphs (a), (b), and (c) of subsection (5) of section 370.12, Florida Statutes, are amended to read:

370.12 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

(b) The Legislature intends, pursuant to the provisions of this subsection, to ensure that the Department of Environmental Protection Natural Resources has the appropriate authority and resources to implement its responsibilities under the recovery plans of the United States Fish and Wildlife Service for the following species of marine turtle:

1. Atlantic loggerhead turtle (*Caretta caretta caretta*).
2. Atlantic green turtle (*Chelonis mydas mydas*).
3. Leatherback turtle (*Dermochelys coriacea*).
4. Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*).
5. Atlantic ridley turtle (*Lepidochelys kempii*).

(2) PROTECTION OF MANATEES OR SEA COWS.—

(f) In order to protect manatees or sea cows from harmful collisions with motorboats or from harassment, the Department of Environmental Protection Natural Resources shall adopt rules under chapter 120 regarding the expansion of existing, or construction of new, marine facilities and mooring or docking slips, by the addition or construction of five or more powerboat slips, and regulating the operation and speed of motorboat traffic, only where manatee sightings are frequent and it can be generally assumed, based on available scientific information, that they inhabit these areas on a regular or continuous basis:

1. In Lee County: the entire Orange River, including the Tice Florida Power and Light Corporation discharge canal and adjoining waters of the Caloosahatchee River within 1 mile of the confluence of the Orange and Caloosahatchee Rivers.

2. In Brevard County: those portions of the Indian River within three-fourths of a mile of the Orlando Utilities Commission Delespine power plant effluent and the Florida Power and Light Frontenac power plant effluents.

3. In Indian River County: the discharge canals of the Vero Beach Municipal Power Plant and connecting waters within 1¼ miles thereof.

4. In St. Lucie County: the discharge of the Henry D. King Municipal Electric Station and connecting waters within 1 mile thereof.

5. In Palm Beach County: the discharges of the Florida Power and Light Riviera Beach power plant and connecting waters within 1½ miles thereof.

6. In Broward County: the discharge canal of the Florida Power and Light Port Everglades power plant and connecting waters within 1½ miles thereof and the discharge canal of the Florida Power and Light Fort Lauderdale power plant and connecting waters within 2 miles thereof. For purposes of ensuring the physical safety of boaters in a sometimes turbulent area, the area from the easternmost edge of the authorized navigation project of the intracoastal waterway east through the Port Everglades Inlet is excluded from this regulatory zone.

7. In Citrus County: headwaters of the Crystal River, commonly referred to as King's Bay, and the Homosassa River.

8. In Volusia County: Blue Springs Run and connecting waters of the St. Johns River within 1 mile of the confluence of Blue Springs and the St. Johns River; and Thompson Creek, Strickland Creek, Dodson Creek, and the Tomoka River.

9. In Hillsborough County: that portion of the Alafia River from the main shipping channel in Tampa Bay to U.S. Highway 41.

10. In Sarasota County: the Venice Inlet and connecting waters within 1 mile thereof, including Lyons Bay, Donna Bay, Roberts Bay, and Hatchett Creek, excluding the waters of the intracoastal waterway and the right-of-way bordering the centerline of the intracoastal waterway.

11. In Collier County: within the Port of Islands, within section 9, township 52 south, range 28 east, and certain unsurveyed lands, all east-west canals and the north-south canals to the southerly extent of the intersecting east-west canals which lie southerly of the centerline of U.S. Highway 41.

12. In Manatee County: that portion of the Manatee River east of the west line of section 17, range 19 east, township 34 south; the Braden River south of the north line and east of the west line of section 29, range 18 east, township 34 south; Terra

Ceia Bay and River, east of the west line of sections 26 and 35 of range 17 east, township 33 south, and east of the west line of section 2, range 17 east, township 34 south; and Bishop Harbor east of the west line of section 13, range 17 east, township 33 south.

13. In Dade County: those portions of Black Creek lying south and east of the water control dam, including all boat basins and connecting canals within 1 mile of the dam.

(g) The Department of Environmental Protection Natural Resources shall adopt rules regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within that portion of the Indian River between the St. Lucie Inlet in Martin County and the Jupiter Inlet in Palm Beach County. In addition, the department shall adopt rules regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within the Loxahatchee River in Palm Beach and Martin Counties, including the north and southwest forks thereof. A limited lane or corridor providing for reasonable motorboat speeds may be identified and designated within this area.

(i) If any new power plant is constructed or other source of warm water discharge is discovered within the state which attracts a concentration of manatees or sea cows, the Department of Environmental Protection Natural Resources is directed to adopt rules regulating the operation and speed of motorboat traffic within the area of such discharge. Such rules shall designate a zone which is sufficient in size, and which shall remain in effect for a sufficient period of time, to protect the manatees or sea cows.

(j) It is the intent of the Legislature through adoption of this paragraph to allow the Department of Environmental Protection Natural Resources to post and regulate boat speeds only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis. It is not the intent of the Legislature to permit the department to post and regulate boat speeds generally in the above-described inlets, bays, rivers, creeks, thereby unduly interfering with the rights of fishermen, boaters, and water skiers using the areas for recreational and commercial purposes. Limited lanes or corridors providing for reasonable motorboat speeds may be identified and designated within these areas.

(5) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

(a) Each fiscal year the Save the Manatee Trust Fund shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the Department of Environmental Protection Natural Resources and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund shall be available for annual funding of activities of public and private organizations and those of the department intended to provide manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage

and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. The department shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.

(b) Each fiscal year moneys in the Save the Manatee Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to reimburse the cost of activities related to manatee rehabilitation by facilities that rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior. Such facilities must be involved in the actual rescue and full-time acute care veterinarian-based rehabilitation of manatees. The cost of activities includes, but is not limited to, costs associated with expansion, capital outlay, repair, maintenance, and operations related to the rescue, treatment, stabilization, maintenance, release, and monitoring of manatees. Moneys distributed through contractual agreement to each facility for manatee rehabilitation shall be proportionate to the number of manatees under acute care rehabilitation and those released during the previous fiscal year. However, the reimbursement may not exceed the total amount available pursuant to ss. 327.25(7) and 327.28(1)(b) for the purposes provided in this paragraph. Prior to receiving reimbursement for the expenses of rescue, rehabilitation, and release, a facility that qualifies under state and federal regulations shall submit a plan to the Department of Environmental Protection Natural Resources for assisting the department and the Department of Highway Safety and Motor Vehicles in marketing the manatee specialty license plates. At a minimum, the plan shall include provisions for graphics, dissemination of brochures, recorded oral and visual presentation, and maintenance of a marketing exhibit. The plan shall be updated annually and the Department of Environmental Protection Natural Resources shall inspect each marketing exhibit at least once each year to ensure the quality of the exhibit and promotional material. Each facility that receives funds for manatee rehabilitation shall annually provide the department a written report, within 30 days after the close of the state fiscal year, documenting the efforts and effectiveness of the facility's promotional activities.

(c) By December 1 each year, the Department of Environmental Protection Natural Resources shall provide the President of the Senate and the Speaker of the House of Representatives a written report, enumerating the amounts and purposes for which all proceeds in the Save the Manatee Trust Fund for the previous fiscal year are expended, in a manner consistent with those recovery tasks enumerated within the manatee recovery plan as required by the Endangered Species Act.

Section 227. Subsection (5) of section 370.13, Florida Statutes, is amended to read:

370.13 Stone crab; regulation.—

(5) Any gear, equipment, boat, vehicle, or item used in the violation of this section is subject to confiscation. In addition, the Department of Environmental Protection Natural Resources shall revoke the permit of any permit holder convicted of a violation of paragraph (1)(a) for a period of 1 year from the date of the conviction, and he is prohibited during that period from catching or having in his posses-

sion any stone crab for his own use or to sell or offer to sell, whether or not he is accompanied by the holder of a valid permit and regardless of where taken.

Section 228. Paragraph (a) of subsection (2) of section 370.14, Florida Statutes, is amended to read:

370.14 Crawfish; regulation.—

(2)(a) Each trap used for taking or attempting to take crawfish must have a trap number permanently attached to the trap and the buoy. This trap number may be issued by the Division of Law Enforcement upon the receipt of application by the owner of the traps and accompanied by the payment of a fee of \$100. The design of the applications and of the trap number shall be determined by the division. However, effective July 1, 1988, and until July 1, 1992, no crawfish trap numbers issued pursuant to this section except those numbers that were active during the 1990-1991 fiscal year shall be renewed or reissued. No new trap numbers shall be issued during this period. Until July 1, 1992, trap number holders or members of their immediate family or a person to whom the trap number was transferred in writing must request renewal of the number prior to June 30 of each year. If a person holding an active trap number or a member of the person's immediate family or a person to whom the trap number was transferred in writing does not request renewal of the number before the applicable date as specified above, the department may reissue the number to another applicant in the order of the receipt of the application for a trap number. Any trap or device used in taking or attempting to take crawfish, other than a trap with the trap number attached as prescribed in this paragraph, shall be seized and destroyed by the division. The proceeds of the fees imposed by this paragraph shall be deposited and used as provided in paragraph (b). The Department of Environmental Protection Natural Resources is authorized to promulgate rules and regulations to carry out the intent of this section.

Section 229. Subsection (2), paragraphs (a), (c), and (f) of subsection (4), and subsection (6) of section 370.142, Florida Statutes, are amended to read:

370.142 Spiny lobster trap certificate program.—

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.—The Department of Environmental Protection Natural Resources shall establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(a) Transferable trap certificates.—Effective April 1, 1993, each holder of a saltwater products license who uses traps for taking or attempting to take spiny lobsters shall be required to have a certificate on record for each trap possessed or used therefor, except as otherwise provided in this section.

1. The department shall initially allot such certificates to each licenseholder with a current crawfish trap number who uses traps. The number of such certificates allotted to each such licenseholder shall be based on the trap/catch coefficient established pursuant to trip ticket records generated under the provisions of s. 370.06(2)(a) over a 3-year base period ending June 30, 1991. The trap/catch coefficient shall be calculated by dividing the sum of the highest reported single license-year landings up to a maximum of 30,000 pounds for each such licenseholder during the base period by 700,000. Each such licenseholder shall then be allotted the number of certificates derived by dividing his highest reported single license-

year landings up to a maximum of 30,000 pounds during the base period by the trap/catch coefficient. Nevertheless, no licenseholder with a current crawfish trap number shall be allotted fewer than 10 certificates. However, certificates may only be issued to individuals; therefore, all licenseholders other than individual licenseholders shall designate the individual or individuals to whom their certificates will be allotted and the number thereof to each, if more than one. After initial issuance, trap certificates are transferable on a market basis and may be transferred from one licenseholder to another for a fair market value agreed upon between the transferor and transferee. Each such transfer shall, within 72 hours thereof, be recorded on a notarized form provided for that purpose by the department and hand delivered or sent by certified mail, return receipt requested, to the department for recordkeeping purposes. In addition, in order to cover the added administrative costs of the program and to recover an equitable natural resource rent for the people of the state, a transfer fee of \$2 per certificate transferred shall be assessed against the purchasing licenseholder and sent by money order or cashier's check with the certificate transfer form. Also, in addition to the transfer fee, a surcharge of 25 percent of the fair market value given to the transferor shall be assessed the first time a certificate is transferred outside the original transferor's immediate family. No transfer of a certificate shall be effective until the department receives the notarized transfer form and the transfer fee, including any surcharge, is paid. No sooner than April 1, 1994, ~~the Governor and Cabinet may direct~~ the department may establish by rule an amount of equitable rent per trap certificate that shall be recovered as partial compensation to the state for the enhanced access to its natural resources. In determining whether to establish such a rent and, if so, the amount thereof, ~~the department Governor and Cabinet~~ shall consider the amount of revenues annually generated by certificate fees, transfer fees, surcharges, trap license fees, and sales taxes, the demonstrated fair market value of transferred certificates, and the continued economic viability of the commercial lobster industry. The proceeds of equitable rent recovered shall be deposited in the Marine Biological Research Trust Fund and used by the department for research, management, and protection of the spiny lobster fishery and habitat.

2. No person, firm, corporation, or other business entity may control, directly or indirectly, more than 1.5 percent of the total available certificates in any license year.

3. The department shall maintain records of all certificates and their transfers and shall annually provide each licenseholder with a statement of certificates held.

4. Beginning April 1, 1993, and applicable to the 1993-1994 season and thereafter, the number of trap tags issued annually to each licenseholder shall not exceed the number of certificates held by the licenseholder at the time of issuance, and such tags and a statement of certificates held shall be issued simultaneously.

(b) Trap tags.—Each trap used to take or attempt to take spiny lobsters in state waters or adjacent federal waters shall, in addition to the crawfish trap number required by s. 370.14(2), have affixed thereto an annual trap tag issued by the department. Each such tag shall be made of durable plastic or similar material and shall, beginning with those tags issued for the 1993-1994 season based on the number of certificates held, have stamped thereon the owner's license number. To facilitate enforcement and recordkeeping, such tags shall be issued each year in a color different from that of each of the previous 3 years. A fee of 50 cents per tag issued other than on the basis of a certificate held shall be assessed through March 31,

1993. Until 1995, an annual fee of 50 cents per certificate shall be assessed, and thereafter, until 1998, an annual fee of 75 cents per certificate shall be assessed upon issuance in order to recover administrative costs of the tags and the certificate program. Beginning in 1998, the annual certificate fee shall be \$1 per certificate. Replacement tags for lost or damaged tags may be obtained as provided by rule of the department.

(c) Prohibitions; penalties.—

1. Effective July 1, 1991, it shall be unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined in rule 46-24.006(2), Florida Administrative Code.

2. Effective April 1, 1993, it shall be unlawful for a person to possess or use spiny lobster trap tags without having the necessary number of certificates on record as required by this section.

3. Unless otherwise provided in this section, a commercial harvester, as defined by rule 46-24.002(1), Florida Administrative Code, who violates the provisions of this section, or the provisions of chapter 46-24, Florida Administrative Code, shall be punished as follows:

a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the department shall assess a civil penalty of up to \$1,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (7) may be suspended for the remainder of the current license year. For all other first violations, the department shall assess a civil penalty of up to \$500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the department shall assess a civil penalty of up to \$2,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (7) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1. or subparagraph 2. which occurs within 36 months of any previous two such violations, the department shall assess a civil penalty of up to \$5,000 and may suspend the crawfish trap number issued pursuant to s. 370.14(2) or (7) for a period of up to 24 months or may revoke the crawfish trap number and, if revoking the crawfish trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(2)(e).

d. Any person assessed a civil penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the civil penalty to the department; or

(II) Request an administrative hearing pursuant to the provisions of s. 120.60.

e. The department shall suspend the crawfish trap number issued pursuant to s. 370.14(2) or (7) for any person failing to comply with the provisions of subparagraph d.

4.a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

b. It is unlawful for any person to knowingly have in his possession a forged, counterfeit, or imitation spiny lobster trap tag or certificate.

c. It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a spiny lobster trap tag or certificate or to conspire to barter, trade, sell, supply, aid in supplying, or give away a spiny lobster trap tag or certificate unless such action is duly authorized by the department as provided in this chapter or in the rules of the department.

5.a. Any person who violates the provisions of subparagraph 4., or any person who engages in the commercial harvest, trapping, or possession of spiny lobster without a crawfish trap number as required by s. 370.14(2) or (7) or during any period while such crawfish trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to sub-subparagraph a., the department shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates, as provided in subparagraph (a)1., on any person who violates the provisions of sub-subparagraph 4.c.

6. Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the department. During any period of trap reduction, any certificates reverting to the department shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the department are to be reallocated in such manner as provided by the department.

7. The proceeds of all civil penalties collected pursuant to subparagraph 3. and all fines collected pursuant to sub-subparagraph 5.b. shall be deposited into the Marine Biological Research Trust Fund.

8. All traps shall be removed from the water during any period of suspension or revocation.

(d) No vested rights.—The trap certificate program shall not create vested rights in licenseholders whatsoever and may be altered or terminated as necessary to protect the spiny lobster resource, the participants in the fishery, or the public interest.

(4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS BOARD.—There is hereby established the Trap Certificate Technical Advisory and Appeals Board. Such board shall consider and advise the department on disputes and other problems arising from the implementation of the spiny lobster trap certificate program. The board may also provide information to the department on the operation of the trap certificate program.

(a)1. The board shall consist of the ~~secretary executive director~~ of the department or designee and nine other members appointed by the ~~secretary executive director~~, after determination of the initial certificate allotments by the department, according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members shall be certificateholders, but two shall be holders of fewer than 100 certificates, two shall be holders of at least 100 but no more than

750 certificates, three shall be holders of more than 750 but not more than 2,000 certificates, and two shall be holders of more than 2,000 certificates.

b. At least one member each shall come from Broward, Dade, and Palm Beach Counties; and five members shall come from the various regions of the Florida Keys.

c. At least one appointed member shall be a person of Hispanic origin capable of speaking English and Spanish.

2. The ~~secretary executive director~~ of the department may fill any position on the initial board with a member who does not fulfill the requirements of subparagraph 1. if there are not enough qualified individuals available to meet those requirements. However, as soon as enough qualified individuals are available to meet those requirements, the ~~secretary executive director~~ must replace all nonqualified appointees with qualified appointees.

(c) The ~~secretary executive director~~ of the department or designee shall serve as a member and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules. A majority of the board shall constitute a quorum, and official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(f) Upon reaching a decision on any dispute or problem brought before it, including any decision involving the allotment of certificates under paragraph (g), the board shall submit such decision to the ~~secretary executive director~~ of the department for final approval. The ~~secretary executive director~~ of the department may alter or disapprove any decision of the board, with notice thereof given in writing to the board and to each party in the dispute explaining the reasons for the disapproval. The action of the ~~secretary executive director~~ of the department constitutes final agency action.

(6) **RULEMAKING AUTHORITY.**—The Department of Environmental Protection Natural Resources may adopt rules to implement the provisions of this section.

Section 230. Subsection (1) of section 370.143, Florida Statutes, is amended to read:

370.143 Retrieval of lobster and stone crab traps during closed season; department authority; fees.—

(1) The Department of Environmental Protection Natural Resources is authorized to implement a trap retrieval program for retrieval of lobster and stone crab traps remaining in the water during the closed season for each species. The department is authorized to contract with outside agents for the program operation.

Section 231. Paragraphs (f) and (g) of subsection (1), paragraphs (a), (b), and (d) of subsection (3), paragraphs (a) and (e) of subsection (4), paragraph (a) of subsection (5), paragraph (a) of subsection (6), paragraph (b) of subsection (8), and subsection (9) of section 370.153, Florida Statutes, are amended to read:

370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.—

(1) DEFINITIONS.—When used in this section, unless the context clearly requires otherwise:

(f) “Licensed live bait shrimp producer” means any individual licensed by the Department of ~~Environmental Protection Natural Resources~~ to employ the use of any trawl for the taking of live bait shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(g) “Licensed dead shrimp producer” means any individual licensed by the Department of ~~Environmental Protection Natural Resources~~ to employ the use of any trawl for the taking of shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(3) LIVE BAIT SHRIMP PRODUCTION.—

(a) A live bait shrimp production license shall be issued by the Department of ~~Environmental Protection Natural Resources~~ upon the receipt of an application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, Flagler, and Clay Counties and not to exceed 45 feet in length in Nassau County, for live shrimp production within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties and the payment of a fee of \$250. The annual fee of \$250 shall be collected by the department for the issuance of the license during a 60-day period beginning June 1 of each year. The design of the application and permit shall be determined by the department. The proceeds of the fee imposed by this paragraph shall be used by the Department of ~~Environmental Protection Natural Resources~~ for the purposes of enforcement of marine resource laws.

(b) The ~~Secretary executive director of Environmental Protection the Department of Natural Resources~~, or his designated representative, may by order close certain areas to live bait shrimp production when sampling procedures justify the closing based upon sound conservation practices. The revocation of any order to close has the effect of opening the area.

(d)1. Each licensed live bait shrimp producer who stores his catch for sale or sells his catch shall either:

a. Maintain onshore facilities which have been annually checked and approved by the local Marine Patrol office to assure the facilities’ ability to maintain the catch alive when the live bait shrimp producer produces for his own facility; or

b. Sell his catch only to persons who have onshore facilities which have been annually checked and approved by the local Marine Patrol office to assure the facilities’ ability to maintain the catch alive, when the producer sells his catch to an onshore facility. The producer shall provide the Department of ~~Environmental Protection Natural Resources~~ with the wholesale number of the facility to which the shrimp have been sold and shall submit this number on a form designed and approved by the department.

2. All persons who maintain onshore facilities as described in this paragraph, whether the facilities are maintained by the licensed live bait shrimp producer or by another party who purchases shrimp from live bait shrimp producers, shall keep records of their transactions in conformance with the provisions of s. 370.07(6).

(4) **DEAD SHRIMP PRODUCTION.**—Any person may operate as a commercial dead shrimp producer provided that:

(a) A dead shrimp production permit is procured from the Department of Environmental Protection ~~Natural Resources~~ upon the receipt by the department of a properly filled out and approved application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost \$250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Department of Environmental Protection ~~Natural Resources~~. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the Motorboat Revolving Trust Fund to be used by the department of ~~Natural Resources~~ for the purpose of enforcement of marine resource laws.

(e) The Department of Environmental Protection ~~Natural Resources~~ may, by rule, place additional restrictions upon the types of equipment to be used by dead shrimp producers.

(5) **NONCOMMERCIAL TRAWLING.**—Any person may harvest shrimp in the St. Johns River for his own use as food and may trawl for such shrimp under the following conditions:

(a) Each person who desires to trawl for shrimp for use as food shall obtain a noncommercial trawling permit from the local Marine Patrol office of the Department of Environmental Protection ~~Natural Resources~~ upon filling out an application on a form prescribed by the department and upon paying a fee for the permit, which shall cost \$50.

(6) **SAMPLING PROCEDURE.**—

(a) The ~~Secretary executive director~~ of Environmental Protection ~~the Department of Natural Resources~~ shall have samples taken at established stations within patterns at frequent intervals.

(8) **USE OF TRAWL; LIMITATION.**—

(b) The use of a trawl by either a live bait shrimp producer or dead shrimp producer within 100 yards of any shoreline is prohibited. The Department of Environmental Protection ~~Natural Resources~~, by rule or order, may define the area or areas where this subsection shall apply.

(9) **ST. JOHNS RIVER; RULEMAKING PROHIBITED.**—The Department of Environmental Protection ~~Natural Resources~~ may not adopt any rule which regulates shrimping in the St. Johns River.

Section 232. Subsections (1) and (2) of section 370.1535, Florida Statutes, are amended to read:

370.1535 Regulation of shrimp fishing in Tampa Bay; licensing requirements.

(1) No person shall operate as a dead shrimp producer in any waters of Tampa Bay unless such person has procured from the Department of Environmental Protection ~~Natural Resources~~ a dead shrimp production permit.

(2) The Department of Environmental Protection Natural Resources is authorized to issue a dead shrimp production permit to persons qualified pursuant to the following criteria:

(a) The person has submitted an application designed by the department for such permit.

(b) One permit is required for each vessel used for dead shrimp production in the waters of Tampa Bay. A permit shall only be issued to an individual who is the principal owner of the vessel or of the business entity owning the vessel and utilizing the permit. No more than three permits shall be issued to any individual.

(c) Each application for a permit shall be accompanied by a fee of \$250 for each resident of the state and \$1,000 for each nonresident of the state. The proceeds of the fees collected pursuant to this paragraph shall be deposited into the Motorboat Revolving Trust Fund to be used by the department for the purpose of enforcement of marine resource laws.

(d) No person shall be issued a permit or be allowed to renew a permit if such person is registered for noncommercial trawling pursuant to s. 370.15(6) or if such person holds a live bait shrimping license issued pursuant to s. 370.15(8).

(e) Each applicant shall make application prior to June 30, 1992, and shall hold any other license or registration required to operate a commercial fishing vessel in Tampa Bay on the date of application.

Section 233. Section 370.157, Florida Statutes, is amended to read:

370.157 Cedar Key closed area for shrimping.—It is unlawful to catch or take, or attempt to take, except with a single rig boat 35 feet or less in length or with a net not to exceed 35 feet on the cork line, 45 feet on the lead line, and 5 feet on the leg line with trawl doors or other boards which exceed 48 inches in length by 24 inches in width, shrimp from the following area: Beginning at a point on the shoreline of the Gulf of Mexico on the south side of the channel entering the Cross Florida Barge Canal near Port Inglis; thence southwesterly along the line of navigational buoy marking the south side of said channel to flashing light number "2" marking the outer extent of said channel; thence westerly to the flashing light on Seahorse Reef at latitude 28°58.5' North and longitude 83°9.25' West; thence northerly to flashing light number "12" at latitude 29°10' North and longitude 83°14.4' West; thence northerly to sea buoy number "2" at the outer limit of the navigational channel entering Horseshoe Beach; thence northeasterly along the south side of the navigational channel to the shoreline of the Gulf of Mexico; thence southerly along the shoreline along the Gulf of Mexico to the point of beginning. This section does not apply to persons holding live bait shrimp permits issued by the Department of Environmental Protection Natural Resources or to boats towing roller-type trawls.

Section 234. Subsections (8) and (15) of section 370.16, Florida Statutes, are amended to read:

370.16 Oysters and shellfish; regulation.—

(8) CANCELLATION OF LEASES TO NATURAL REEFS.—Any person, within 6 months from and after the execution of any lease to water bottoms, may file a petition with the Division of Marine Resources for the purpose of determining whether a natural oyster or clam reef having an area of not less than 100 square

yards existed within the leased area on the date of the lease, with sufficient natural or maternal oysters or clams thereon (not including coon oysters) to have constituted a stratum sufficient to have been resorted to by the public generally for the purpose of gathering the same to sell for a livelihood. The petition shall be in writing addressed to the Division of Marine Resources of the Department of Environmental Protection Natural Resources, verified under oath, stating the location and approximate area of the natural reef and the claim or interest of the petitioner therein and requesting the cancellation of the lease to the said natural reef. No petition may be considered unless it is accompanied by a deposit of \$10 to defray the expense of examining into the matter. The petition may include several contemporaneous natural reefs of oysters or clams. Upon receipt of such petition, the division shall cause an investigation to be made into the truth of the allegations of the petition, and, if found untrue, the \$10 deposit shall be retained by the division to defray the expense of the investigation, but should the allegations of the petition be found true and the leased premises to contain a natural oyster or clam reef, as above described, the said \$10 shall be returned to the petitioner and the costs and expenses of the investigation taxed against the lessee and the lease canceled to the extent of the natural reef and the same shall be marked with buoys and stakes and notices placed thereon showing the same to be a public reef, the cost of the markers and notices to be taxed against the lessee.

(15) APALACHICOLA BAY CONSERVATION TRUST FUND.—There is created within the Department of Environmental Protection Natural Resources the Apalachicola Bay Conservation Trust Fund to be used as a nonlapsing, revolving fund for oyster rehabilitation in the Apalachicola Bay and for the conservation of the bay as an oyster resource. The fund shall be credited with the following:

- (a) Proceeds from the Apalachicola Bay oyster harvesting license established in s. 370.06(5).
- (b) Proceeds from the oyster surcharge established in s. 370.07(3).
- (c) Moneys that the Legislature appropriates for oyster rehabilitation programs, research and education programs, and other programs or purposes related to the conservation of Apalachicola Bay.

Section 235. Subsection (2) of section 370.1603, Florida Statutes, is amended to read:

370.1603 Oysters produced in and outside state; labeling; tracing; rules.—

(2) The Department of Environmental Protection Natural Resources shall promulgate rules whereby oysters produced in Florida waters can be traced to the location from which they were harvested. A wholesale or retail dealer may not sell any oysters produced in this state unless they are labeled so that they may be traced to the point of harvesting.

Section 236. Paragraph (a) of subsection (2) and subsection (3) of section 370.172, Florida Statutes, are amended to read:

370.172 Spearfishing; definition; limitations; penalty.—

(2)(a) Spearfishing is prohibited within the boundaries of the John Pennekamp Coral Reef State Park, the waters of Collier County, and the area in Monroe County known as Upper Keys, which includes all salt waters under the jurisdiction of the Department of Environmental Protection Natural Resources beginning

at the county line between Dade and Monroe Counties and running south, including all of the keys down to and including Long Key.

(3) The Department of Environmental Protection ~~Natural Resources~~ shall have the power to establish restricted areas when it is determined that safety hazards exist or when needs are determined by biological findings. Restricted areas shall be established only after an investigation has been conducted and upon application by the governing body of the county or municipality in which the restricted areas are to be located and one publication in a local newspaper of general circulation in said county or municipality in addition to any other notice required by law. Prior to promulgation of regulations, the local governing body of the area affected shall agree to post and maintain notices in the area affected.

Section 237. Section 370.18, Florida Statutes, is amended to read:

370.18 Compacts and agreements; generally.—The Department of Environmental Protection ~~Natural Resources~~ may enter into agreements of reciprocity with the fish commissioners or other departments or other proper officials of other states, whereby the citizens of the state may be permitted to take or catch shrimp or prawn from the waters under the jurisdiction of such other states, upon similar agreements to allow such nonresidents or aliens to fish for or catch seafood products within the jurisdiction of the state regardless of residence.

Section 238. Subsection (2) of section 370.19, Florida Statutes, is amended to read:

370.19 Atlantic States Marine Fisheries Compact; implementing legislation.—

(2) COMMISSIONERS; APPOINTMENT AND REMOVAL.—In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic State Marine Fisheries Commission (hereinafter called commission) from this state. The first commissioner from this state shall be the Secretary Executive Director of Environmental Protection ~~the Department of Natural Resources~~, ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office of Secretary Executive Director of Environmental Protection ~~the Department of Natural Resources~~, and his successor as commissioner shall be his successor as secretary executive director. The second commissioner from this state shall be a legislator and member of the house committee on commerce and reciprocal trade (of the State of Florida, ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate), shall appoint a citizen as a third commissioner who shall have a knowledge of, and interest in, the marine fisheries problem. The term of said commissioner shall be 3 years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate), for the unexpired term. The Secretary Executive Director of Environmental Protection ~~the Department of Natural Resources~~ as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting, as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial

three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise, they shall begin upon the date upon which said compact shall become effective in accordance with said Article II. Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 239. Subsection (2) of section 370.20, Florida Statutes, is amended to read:

370.20 Gulf States Marine Fisheries Compact; implementing legislation.—

(2) MEMBERS OF COMMISSION; TERM OF OFFICE.—In pursuance of article III of said compact, there shall be three members (hereinafter called commissioners) of the Gulf States Marine Fisheries Commission (hereafter called commission) from the State of Florida. The first commissioner from the State of Florida shall be the ~~Secretary Executive Director of Environmental Protection the Department of Natural Resources~~, ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office of ~~Secretary Executive Director of Environmental Protection the Department of Natural Resources~~, and his successor as commissioner shall be his successor as ~~secretary executive director~~. The second commissioner from the State of Florida shall be a legislator and a member of the house committee on commerce and reciprocal trade (of the State of Florida ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be 3 years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate) for the unexpired term. The ~~Secretary Executive Director of Environmental Protection the Department of Natural Resources~~, as ex officio commissioner, may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting, as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said article II.

Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 240. Subsections (3), (5), and (7) of section 370.21, Florida Statutes, are amended to read:

370.21 Florida Territorial Waters Act; alien-owned commercial fishing vessels; prohibited acts; enforcement.—

(3) No license shall be issued by the Division of Marine Resources of the Department of ~~Environmental Protection Natural Resources~~ under s. 370.06, to any vessel owned in whole or in part by any alien power, which subscribes to the doctrine of international communism, or any subject or national thereof, who subscribes to the doctrine of international communism, or any individual who subscribes to the doctrine of international communism, or who shall have signed a treaty of trade, friendship and alliance or a nonaggression pact with any communist power. The division shall grant or withhold said licenses where other alien vessels are involved on the basis of reciprocity and retorsion, unless the nation concerned shall be designated as a friendly ally or neutral by a formal suggestion transmitted to the Governor of Florida by the Secretary of State of the United States. Upon the receipt of such suggestion licenses shall be granted under s. 370.06, without regard to reciprocity and retorsion, to vessels of such nations.

(5) It is the duty of all harbor masters of the state to prevent the use of any port facility in a manner which they reasonably suspect may assist in the violation of this act. Harbor masters shall endeavor by all reasonable means, which may include the inspection of nautical logs, to ascertain from masters of newly arrived vessels of all types other than warships of the United States, the presence of alien commercial fishing vessels within the territorial waters of the state, and shall transmit such information promptly to the Department of ~~Environmental Protection Natural Resources~~ and such law enforcement agencies of the state as the situation may indicate. Harbor masters shall request assistance from the United States Coast Guard in appropriate cases to prevent unauthorized departure from any port facility.

(7) All law enforcement agencies of the state, including but not limited to sheriffs and agents of the Department of ~~Environmental Protection Natural Resources~~ are empowered and directed to arrest the masters and crews of vessels who are reasonably believed to be in violation of this law, and to seize and detain such vessels, their equipment and catch. Such arresting officers shall take the offending crews or property before the court having jurisdiction of such offenses. All such agencies are directed to request assistance from the United States Coast Guard in the enforcement of this act when having knowledge of vessels operating in violation or probable violation of this act within their jurisdictions when such agencies are without means to effectuate arrest and restraint of vessels and their crews.

Section 241. Subsections (1) and (3) of section 370.25, Florida Statutes, are amended to read:

370.25 Artificial fishing reef program; construction grants to local governments.—

(1) An artificial fishing reef program is created within the Department of ~~Environmental Protection Natural Resources~~ to enhance saltwater fishing. Under the program, the department shall provide grants to coastal local governments for constructing saltwater artificial fishing reefs. The program shall be funded from state, federal, and private contributions.

(3) The department shall establish criteria for constructing, including the specification of what materials are permissible to use in constructing, fishing reefs and guidelines for managing, monitoring, and assessing the productivity of artificial fishing reefs. No material shall be permitted to be used in construction which has not been found to be safe for marine life and human health by the department of ~~Environmental Regulation~~.

Section 242. Section 372.071, Florida Statutes, is amended to read:

372.071 Powers of arrest by agents of Department of ~~Environmental Protection Natural Resources~~ or Game and Fresh Water Fish Commission.—Any certified law enforcement officer of the Department of ~~Environmental Protection Natural Resources~~ or the Game and Fresh Water Fish Commission, upon receiving information, relayed to him from any law enforcement officer stationed on the ground, on the water, or in the air, that a driver, operator, or occupant of any vehicle, boat, or airboat has violated any section of chapter 327, chapter 328, chapter 370, or this chapter, may arrest the driver, operator, or occupant for violation of said laws when reasonable and proper identification of the vehicle, boat, or airboat and reasonable and probable grounds to believe that the driver, operator, or occupant has committed or is committing any such offense have been communicated to the arresting officer by the other officer stationed on the ground, on the water, or in the air.

Section 243. Subsections (2), (4), and (5) of section 372.072, Florida Statutes, are amended to read:

372.072 Endangered and Threatened Species Act.—

(2) DECLARATION OF POLICY.—The Legislature recognizes that the State of Florida harbors a wide diversity of fish and wildlife and that it is the policy of this state to conserve and wisely manage these resources, with particular attention to those species defined by the Game and Fresh Water Fish Commission, the Department of ~~Environmental Protection Natural Resources~~, or the U.S. Department of Interior, or successor agencies, as being endangered or threatened. As Florida has more endangered and threatened species than any other continental state, it is the intent of the Legislature to provide for research and management to conserve and protect these species as a natural resource.

(4) INTERAGENCY COORDINATION.—

(a)1. The Game and Fresh Water Fish Commission shall be responsible for research and management of freshwater and upland species.

2. The Department of ~~Environmental Protection Natural Resources~~ shall be responsible for research and management of marine species.

(b) Recognizing that citizen awareness is a key element in the success of this plan, the Game and Fresh Water Fish Commission, the Department of ~~Environmental Protection Natural Resources~~, and the Office of Environmental Education of the Department of Education are encouraged to work together to develop a public education program with emphasis on, but not limited to, both public and private schools.

(c) The Department of ~~Environmental Protection Natural Resources~~, the Marine Fisheries Commission, or the Game and Fresh Water Fish Commission, in consultation with the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, ~~the Department of Environmental Regulation~~, or the Department of Transportation, may establish reduced speed zones along roads, streets, and highways to protect endangered species or threatened species.

(5) ANNUAL REPORT.—The Director of the Game and Fresh Water Fish Commission, in consultation with the ~~Secretary Executive Director~~ of ~~Environ-~~

mental Protection the ~~Department of Natural Resources~~, shall, at least 30 days prior to each annual session of the Legislature, transmit to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chairmen of the appropriate Senate and House committees, a revised and updated plan for management and conservation of endangered and threatened species, including criteria for research and management priorities; a description of the educational program; statewide policies pertaining to protection of endangered and threatened species; additional legislation which may be required; and the recommended level of funding for the following year, along with a progress report and budget request.

Section 244. Section 372.0725, Florida Statutes, is amended to read:

372.0725 Killing or wounding of any species designated as endangered, threatened, or of special concern; criminal penalties.—It is unlawful for a person to intentionally kill or wound any fish or wildlife of a species designated by the Game and Fresh Water Fish Commission as endangered, threatened, or of special concern, or to intentionally destroy the eggs or nest of any such fish or wildlife, except as provided for in the rules of the Game and Fresh Water Fish Commission, the Department of Environmental Protection ~~Natural Resources~~, or the Marine Fisheries Commission. Any person who violates this provision with regard to an endangered or threatened species is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 245. Paragraph (a) of subsection (9) and subsection (15) of section 372.57, Florida Statutes, are amended to read:

372.57 Licenses and stamps; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license or stamp and paid the license fee hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license or stamp shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license or stamp is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card issued by the commission, upon which the tax collector may affix his seal. Such license or stamp is not valid unless it bears the name of the person to whom it is issued and is so affixed. Such stamp or license shall be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license or stamp to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using a lifetime license or a 5-year license. The requirement that a license or stamp bear the name of the person to whom it is issued does not apply to the Florida waterfowl stamp or the turkey stamp provided for in paragraphs (5)(a) and (e), respectively. The requirement that a license shall be affixed to a license identification card does not apply to the lifetime licenses or the 5-year licenses provided for in this section. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger.

(9) A resident lifetime sportsman's license authorizes the holder to engage in the following noncommercial activities:

(a) To take or attempt to take or possess freshwater fish, marine fish, and game, consistent with state and federal regulations and rules of the commission and the Department of Environmental Protection Natural Resources in effect at the time of taking.

(15) Fees collected pursuant to s. 370.0605(2) for 5-year saltwater fishing licenses, fees collected pursuant to s. 370.0605(8) for replacement 5-year and lifetime licenses, fees collected pursuant to s. 370.0615 ~~s. 370.0610~~ for lifetime saltwater fishing licenses and 30 percent of the fee for the lifetime sportsman's license shall be transferred within 30 days following the last day of the month in which the license fees were received by the commission to the Marine Resources Conservation Trust Fund.

Section 246. Subsection (1) of section 372.701, Florida Statutes, is amended to read:

372.701 Arrest by officers of the Game and Fresh Water Fish Commission; recognizance; cash bond; citation.—

(1) In all cases of arrest by officers of the Game and Fresh Water Fish Commission and the Department of Environmental Protection, Natural Resources the person arrested shall be delivered forthwith by said officer to the sheriff of the county, or shall obtain from such person arrested a recognizance or, if deemed necessary, a cash bond or other sufficient security conditioned for his appearance before the proper tribunal of such county to answer the charge for which he has been arrested.

Section 247. Subsections (1) and (2) of section 372.7701, Florida Statutes, are amended to read:

372.7701 Assent to federal acts.—

(1) The state hereby assents to the provisions of the Federal Aid in ~~Sport~~ Fish Restoration Act of August 9, 1950, as amended. The Department of Environmental Protection Natural Resources and the Game and Fresh Water Fish Commission shall work cooperatively and perform such activities as are necessary to conduct wildlife and sportfish restoration projects, as defined in such Act of Congress and in compliance with the act and rules adopted thereunder by the United States Department of the Interior. Furthermore, the Department of Environmental Protection Natural Resources shall develop and implement programs to manage, protect, restore and conserve marine mammals and the marine fishery, and the Game and Fresh Water Fish Commission shall develop and implement similar programs for wild animal life and freshwater aquatic life.

(2) Revenues from fees paid by hunters and sport fishermen may not be diverted to purposes other than the administration of fish and wildlife programs by the Department of Environmental Protection Natural Resources and the Game and Fresh Water Fish Commission. Administration of the state fish and wildlife programs includes only those functions of fish and wildlife management as are the responsibility of and under the authority of the Department of Environmental Protection Natural Resources and the Game and Fresh Water Fish Commission.

Section 248. Subsection (2) of section 372.771, Florida Statutes, is amended to read:

372.771 Federal conservation of fish and wildlife; limited jurisdiction.—

(2) The United States may exercise concurrent jurisdiction over lands so acquired and carry out the intent and purpose of the authority except that the existing laws of Florida relating to the Department of Environmental Protection Natural Resources or the Game and Fresh Water Fish Commission shall prevail relating to any area under their supervision.

Section 249. Subsection (1) of section 372.992, Florida Statutes, is amended to read:

372.992 Nongame Wildlife Advisory Council.—

(1) There is created the Nongame Wildlife Advisory Council, which shall consist of the following 11 members appointed by the Governor: one representative each from the Game and Fresh Water Fish Commission, the Department of Environmental Protection Natural Resources, and the United States Fish and Wildlife Services; the director of the Florida Museum of Natural History or his designee; one representative from a professional wildlife organization; one representative from a private wildlife institution; one representative from a Florida university or college who has expertise in nongame biology; one representative of business interests from a private consulting firm who has expertise in nongame biology; one representative of a statewide organization of landowner interests; and two members from conservation organizations. ~~As soon as practicable after July 1, 1983, four members shall be appointed for terms ending August 1, 1986; and, thereafter, All~~ appointments shall be for 4-year terms. Members shall be eligible for reappointment.

Section 250. Subsection (3) of section 373.016, Florida Statutes, is amended to read:

373.016 Declaration of policy.—

(3) The Legislature recognizes that the water resource problems of the state vary from region to region, both in magnitude and complexity. It is therefore the intent of the Legislature to vest in the Department of Environmental Protection Regulation or its successor agency the power and responsibility to accomplish the conservation, protection, management, and control of the waters of the state and with sufficient flexibility and discretion to accomplish these ends through delegation of appropriate powers to the various water management districts. The department may exercise any power herein authorized to be exercised by a water management district; however, to the greatest extent practicable, such power should be delegated to the governing board of a water management district.

Section 251. Subsection (1) of section 373.019, Florida Statutes, is amended to read:

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the following words shall, unless the context clearly indicates otherwise, mean:

(1) "Department" means the Department of Environmental Protection Regulation or its successor agency or agencies.

Section 252. Section 373.026, Florida Statutes, is amended to read:

373.026 General powers and duties of the department.—The department of ~~Environmental Regulation~~, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(1) Conduct, independently or in cooperation with other agencies, topographic surveys, research, and investigations into all aspects of water use and water quality.

(2) Be the central repository for all scientific and factual information generated by local governments, water management districts, and state agencies relating to water resources and, to that end, collect, maintain, and make available such information to public and private users within the state and assist in the acquisition of scientific and factual data from water management districts, local governments, and the United States Geological Survey. All local governments, water management districts, and state agencies are directed to cooperate with the department or its agents in making available to it for this purpose such scientific and factual data as they may have, generate, or possess, as the department deems necessary. The department is authorized to prescribe the format and ensure quality control for all data collected or submitted.

(a) Additionally, the department shall annually publish a bibliography of all water resource investigations conducted in the state; ~~the first such bibliography shall be published no later than July 1, 1984.~~

(b) The department is additionally directed to establish priorities for the development of a computerized ground water data base upon the following principles:

1. Regions deemed prone to ground water contamination due to land use.
2. Regions that have an identifiable direct connection with any confined aquifer utilized as a drinking water aquifer.
3. Any region dependent on a single source aquifer.

(3) Cooperate with other state agencies, water management districts, and regional, county, or other local governmental organizations or agencies created for the purpose of utilizing and conserving the waters in this state; assist such organizations and agencies in coordinating the use of their facilities; and participate in an exchange of ideas, knowledge, and data with such organizations and agencies. For this purpose, the department may maintain an advisory staff of experts.

(4) Prepare and provide for dissemination to the public of current and useful information relating to the water resources of the state.

(5) Identify by continuing study those areas of the state where saltwater intrusion is a threat to freshwater resources and report its findings to the water management districts, boards of county commissioners, and public concerned.

(6) Conduct, either independently or in cooperation with any person or governmental agency, a program of study, research, and experimentation and evaluation in the field of weather modification.

(7) Exercise general supervisory authority over all water management districts. The department may exercise any power herein authorized to be exercised by a water management district.

(8)(a) Provide such coordination, cooperation, or approval necessary to the effectuation of any plan or project of the Federal Government in connection with or concerning the waters in the state. Unless otherwise provided by state or federal law, the department shall, subject to confirmation by the Legislature, have the power to approve or disapprove such federal plans or projects on behalf of the state. If such plan or project is for a coastal inlet, the department shall first ~~determine~~ determine ~~consult with the Division of Beaches and Shores of the Department of Natural Resources for a determination of the impact of the plan or project on the sandy beaches in the state.~~ If the department of Natural Resources determines that the plan will have a significant adverse impact on the sandy beaches, the department ~~may of Environmental Regulation shall not approve the plan or project unless it is revised to mitigate those impacts in accordance with the recommendations of the Department of Natural Resources.~~

(b) The department, subject to confirmation by the Legislature, shall act on behalf of the state in the negotiation and consummation of any agreement or compact with another state or states concerning waters of the state.

(9)(a) Hold annually a conference on water resources developmental programs. Each agency, commission, district, municipality, or political subdivision of the state responsible for a specific water resources development program requiring federal assistance shall present at such conference its programs and projects and the needs thereof. Notice of the time and place of the annual conference on water resources developmental programs shall be extended by mail at least 30 days prior to the date of such conference to any person who has filed a written request for notification with the department. Adequate opportunity shall be afforded for participation at the conference by interested members of the general public.

(b) Upon termination of the water conference, the department shall select those projects for presentation in the Florida program of public works which best represent the public welfare and interest of the people of the state as required for the proper development, use, conservation, and protection of the waters of the state and land resources affected thereby. Thereafter, the department shall present to the appropriate committees and agencies of the Federal Government a program of public works for Florida, requesting authorization for funds for each project.

(10) Adopt by rule a state water policy, which shall provide goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources. This state water policy shall be consistent with the State Comprehensive Plan and may include such department rules as are specifically identified in the policy.

Section 253. Subsection (3) of section 373.046, Florida Statutes, is amended to read:

373.046 Interagency agreements.—

(3) Each water management district is authorized to adopt rules or enter into interagency agreements with the Department of ~~Environmental Protection~~ Natural Resources providing that the water management districts shall have an oppor-

tunity to review and comment upon matters within the jurisdiction of each district that are addressed by reclamation activities subject to the provisions of ss. 378.201-378.212 or s. 378.601. Activities covered by such rules or interagency agreements shall not be subject to the permitting requirement of part IV of this chapter. However, to the extent that any dam, impoundment, dike, levee, work, or appurtenant work remains after completion of all reclamation activities, such facilities shall be subject to the requirements of part IV of this chapter pertaining to operation, maintenance, and abandonment. A water management district, upon entering into such interagency agreement with the Department of Environmental Protection Natural Resources, shall provide notice of such action by publication in a newspaper having general circulation in the affected area.

Section 254. Paragraph (b) of subsection (4) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)

(b)1. The governing board of each water management district shall employ a chief internal auditor, who shall report directly to the board. However, the governing boards of the Suwannee River Water Management District and the Northwest Florida Water Management District may provide for internal audit services by contract, or may enter into an interagency agreement to jointly employ a chief internal auditor.

2. A chief internal auditor must have the qualifications prescribed and conduct audits in the manner provided in s. 20.055.

3. Within 45 days of the adoption of the final budget, the governing board shall submit a 5-year capital improvement plan and fiscal report for the district to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of ~~the Department of Environmental Protection Regulation~~. The capital improvement plan must include expected sources of revenue for planned improvements and shall be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043. The fiscal report shall cover the preceding fiscal year and shall include a summary statement of the financial operations of the district.

Section 255. Paragraph (a) of subsection (3) of section 373.086, Florida Statutes, is amended to read:

373.086 Providing for district works.—

(3)(a) Notwithstanding the provisions of chapter 120, the temporary construction, operation, or maintenance of water supply backpumping facilities to be used for storage of surplus water shall not require a permit under this chapter, chapter 253, or chapter 403 from the Department of Environmental Protection Regulation if the governing board issues an order declaring a water emergency which order is approved by the Secretary of Environmental Protection Regulation. Such approval may be given by telephone and confirmed by appropriate order at a later date. The temporary construction, operation, or maintenance of the facilities shall cease when the governing board or the secretary issues an order declaring that the emergency no longer exists. If the district intends to operate any such facilities permanently under nonemergency conditions, it shall apply for the appropriate required

permits from the Department of Environmental ~~Protection Regulation~~ within 30 days of rescinding the emergency order.

Section 256. Subsection (4) of section 373.171, Florida Statutes, is amended to read:

373.171 Rules and regulations.—

(4) All rules and regulations adopted by the governing board shall be filed with the Department of State as provided in chapter 120. An information copy will be filed with the Department of Environmental ~~Protection Regulation~~.

Section 257. Subsection (1) of section 373.196, Florida Statutes, is amended to read:

373.196 Legislative findings.—

(1) It is the finding of the Legislature that cooperative efforts between municipalities, counties, water management districts, and the Department of Environmental ~~Protection Regulation~~ are mandatory in order to meet the water needs of rapidly urbanizing areas in a manner which will supply adequate and dependable supplies of water where needed without resulting in adverse effects upon the areas from whence such water is withdrawn. Such efforts should utilize all practical means of obtaining water, including, but not limited to, withdrawals of surface water and ground water, recycling of waste water, and desalinization, and will necessitate not only cooperation but also well-coordinated activities. The purpose of this act is to provide additional statutory authority for such cooperative and coordinated efforts.

Section 258. Subsection (1) of section 373.1962, Florida Statutes, is amended to read:

373.1962 Regional water supply authorities.—

(1) By agreement between local governmental units created or existing pursuant to the provisions of Art. VIII of the State Constitution, pursuant to the Florida Interlocal Cooperation Act of 1969, s. 163.01, and upon the approval of the ~~Secretary Governor and Cabinet sitting as head of Environmental Protection the Department of Natural Resources~~ to ensure that such agreement will be in the public interest and complies with the intent and purposes of this act, regional water supply authorities may be created for the purpose of developing, recovering, storing, and supplying water for county or municipal purposes in such a manner as will give priority to reducing adverse environmental effects of excessive or improper withdrawals of water from concentrated areas. In approving said agreement the ~~Secretary Governor and Cabinet, sitting as head of Environmental Protection the Department of Natural Resources~~, shall consider, but not be limited to, the following:

(a) Whether the geographic territory of the proposed authority is of sufficient size and character to reduce the environmental effects of improper or excessive withdrawals of water from concentrated areas.

(b) The maximization of economic development of the water resources within the territory of the proposed authority.

(c) The availability of a dependable and adequate water supply.

(d) The ability of any proposed authority to design, construct, operate, and maintain water supply facilities in the locations, and at the times necessary, to ensure that an adequate water supply will be available to all citizens within the authority.

(e) The effect or impact of any proposed authority on any municipality, county, or existing authority or authorities.

(f) The existing needs of the water users within the area of the authority.

Section 259. Subsections (2), (3), and (5) of section 373.1965, Florida Statutes, are amended to read;

373.1965 Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin; coordinating council on restoration; project implementation.—

(2) In recognition of the complete findings of the Special Project to Prevent the Eutrophication of Lake Okeechobee, the council shall develop measures which are to be taken by the Department of Environmental ~~Protection Regulation, the Department of Natural Resources,~~ the Game and Fresh Water Fish Commission, and the Central and Southern Florida Flood Control District to restore the water quality of the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin. Such measures shall be designed to minimize and ultimately remove the threats to the agricultural industry, the wildlife, and the people of central and southern Florida, posed by land uses and water management practices which cause the degradation of water quality in such area and shall be designed to alleviate excessive nutrient loading from the Taylor Creek-Nubbins Slough Basin. In developing such measures, the council shall seek to:

(a) Conserve and improve ground and surface water supplies throughout the region.

(b) Improve the quality of water for all beneficial purposes throughout the region, and in Lake Okeechobee.

(c) Restore the natural seasonal water level fluctuations in the lakes of the Kissimmee River and in its natural flood plains and marshlands.

(d) Recreate conditions favorable to increases in production of wetland vegetation, native aquatic life, and wetland wildlife.

(e) Protect presently developed areas from unnatural floods, to the extent that such protection is now achievable.

(f) Utilize the natural and free energies of the river system to the greatest extent possible, so as to hold to a minimum all recurring annual needs of petroleum energy supplies.

(g) Provide for the effective enforcement of existing laws designed to prevent excessive nutrient loading of area waters.

(3) The Department of Environmental ~~Protection Regulation, the Department of Natural Resources,~~ the Game and Fresh Water Fish Commission, and the Central and Southern Florida Flood Control District shall each implement and enforce those measures developed by the council which are within its jurisdiction. The Secretary of the Department of Environmental ~~Protection Regulation~~ shall be responsible for the overall supervision of the enforcement of such measures.

(5) The Secretary of the Department of Environmental ~~Protection Regulation~~ shall present to the Legislature, within 1 year of the effective date of this act, the council's comprehensive report and complete plans for implementation of the corrective actions required, including fund requirements, and the implementation of the program within 5 years after the effective date of this act. During the 5-year implementation period, the Secretary of the Department of Environmental ~~Protection Regulation~~ shall present to the Legislature an annual, comprehensive, interim progress report.

Section 260. Section 373.197, Florida Statutes, is amended to read:

373.197 Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; measures authorized.—

(1) The Legislature hereby directs the Florida Department of Environmental ~~Protection Regulation~~, in conjunction with the South Florida Water Management District, to seek appropriate authorization by the Congress of the United States for a restudy of the Kissimmee River Valley and the Taylor Creek-Nubbins Slough Basin.

Section 261. Subsection (2) of section 373.203, Florida Statutes, is amended to read:

373.203 Definitions.—

(2) An "artesian well" is defined as an artificial hole in the ground from which water supplies may be obtained and which penetrates any water-bearing rock, the water in which is raised to the surface by natural flow, or which rises to an elevation above the top of the water-bearing bed. "Artesian wells" are defined further to include all holes, drilled as a source of water, that penetrate any water-bearing beds that are a part of the artesian water system of Florida, as determined by representatives of the Florida Geological Survey or the Department of Environmental ~~Protection Regulation~~.

Section 262. Section 373.206, Florida Statutes, is amended to read:

373.206 Artesian wells; flow regulated.—Every person, stock company, association, corporation, county, or municipality owning or controlling the real estate upon which is located a flowing artesian well in this state shall, within 90 days after June 15, 1953, provide each such well with a valve capable of controlling the discharge from the well and shall keep the valve so adjusted that only a supply of water is available which is necessary for ordinary use by the owner, tenant, occupant, or person in control of the land for personal use and for conducting his business. Upon the determination by the Department of Environmental ~~Protection Regulation~~ or the appropriate water management district that the water in an artesian well is of such poor quality as to have an adverse impact upon an aquifer or other water body which serves as a source of public drinking water or which is likely to be such a source in the future, such well shall be plugged in accordance with department or appropriate water management district specifications for well plugging.

Section 263. Subsection (2) of section 373.207, Florida Statutes, is amended to read:

373.207 Abandoned artesian wells.—

(2) ~~Each water management district shall submit its work plan to the Secretary of Environmental Regulation no later than January 1, 1984. Thereafter, Each water management district shall submit an annual update of its work plan to the Secretary of Environmental Protection by until January 1 of each year, 1992, or until all wells identified by the plan are plugged, whichever is later.~~

Section 264. Subsection (2) of section 373.209, Florida Statutes, is amended to read:

373.209 Artesian wells; penalties for violation.—

(2) A well is exempt from the provisions of this section unless the Department of Environmental ~~Protection Regulation~~ can show that the uncontrolled flow of water from the well does not have a reasonable and beneficial use, as defined in s. 373.019(5).

Section 265. Subsection (1) of section 373.217, Florida Statutes, is amended to read:

373.217 Superseded laws and regulations.—

(1) It is the intent of the Legislature to provide a means whereby reasonable programs for the issuance of permits authorizing the consumptive use of particular quantities of water may be authorized by the Department of ~~Environmental Protection Regulation~~, subject to judicial review and also subject to review by the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission as provided in s. 373.114.

Section 266. Subsection (6) of section 373.2295, Florida Statutes, is amended to read:

373.2295 Interdistrict transfers of groundwater.—

(6) Upon completion of review of the application, the water management district where the groundwater is proposed to be withdrawn shall prepare a notice of preliminary intended agency action which shall include an evaluation of the application and a recommendation of approval, denial, or approval with conditions. The notice shall be furnished to the district where the water is to be used, the applicant, the Department of Environmental ~~Protection Regulation~~, the local governments having jurisdiction over the area from which the groundwater is to be withdrawn and where the water is to be used, and any person requesting a copy of the notice.

(a) Any interested person may, within the time specified in the notice, notify in writing the district from where the groundwater is to be withdrawn of such person's position and comments or objections, if any, to the preliminary intended action.

(b) The filing of the notice of intended agency action shall toll the time periods contained in s. 120.60 for the granting or denial of a permit for an interdistrict transfer and use of groundwater.

(c) The preliminary intended agency action and any comments or objections of interested persons made pursuant to paragraph (a) shall be considered by the governing board of the water management district where the groundwater is proposed to be withdrawn. Following such consideration, the governing board shall issue a notice of intended agency action.

(d) Any substantially affected person who submitted a notification pursuant to paragraph (a) may request review by the department within 14 days after the filing of the notice of intended agency action. If no request for review is filed, the notice of intended agency action shall become the final order of the governing board.

Section 267. Subsection (3) of section 373.303, Florida Statutes, is amended to read:

373.303 Definitions.—As used in this part, the term:

(3) “Department” means the Department of Environmental Protection Regulation.

Section 268. Subsection (4) of section 373.406, Florida Statutes, is amended to read:

373.406 Exemptions.—The following exemptions shall apply:

(4) All rights and restrictions set forth in this section shall be enforced by the governing board or the Department of Environmental Protection Regulation or its successor agency, and nothing contained herein shall be construed to establish a basis for a cause of action for private litigants.

Section 269. Subsection (3) of section 373.423, Florida Statutes, is amended to read:

373.423 Inspection.—

(3) Upon completion of the work, the executive director of the district or the Department of Environmental Protection Regulation or its successor agency shall have periodic inspections made of permitted stormwater management systems, dams, reservoirs, impoundments, appurtenant work, or works to protect the public health and safety and the natural resources of the state. No person shall refuse immediate entry or access to any authorized representative of the governing board or the department who requests entry for purposes of such inspection and presents appropriate credentials.

Section 270. Subsections (2) and (3) of section 373.439, Florida Statutes, are amended to read:

373.439 Emergency measures.—

(2) In applying the emergency measures provided for in this section, the executive director or the Department of Environmental Protection Regulation may in an emergency do any of the following:

(a) Lower the water level by releasing water from any impoundment or reservoir.

(b) Completely empty the impoundment or reservoir.

(c) Take such other steps as may be essential to safeguard life and property.

(3) The executive director or the Department of Environmental Protection Regulation shall continue in full charge and control of such stormwater management system, dam, impoundment, reservoir, and its appurtenant works until they are rendered safe or the emergency occasioning the action has ceased.

Section 271. Paragraph (a) of subsection (1) and subsections (2) and (5) of section 373.453, Florida Statutes, are amended to read:

373.453 Surface water improvement and management plans and programs.—

(1)(a) Each water management district, in cooperation with the department, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Game and Fresh Water Fish Commission, ~~the Department of Natural Resources~~, and local governments shall prepare and maintain a list which shall prioritize water bodies of regional or statewide significance within each water management district. The list shall be reviewed and updated every 3 years. The list shall be based on criteria adopted by rule of the department and shall assign priorities to the water bodies based on their need for protection and restoration.

(2) Once the priority lists are approved by the department, the water management districts, in cooperation with the department, the Game and Fresh Water Fish Commission, ~~the Department of Natural Resources~~, the Department of Community Affairs, the Department of Agriculture and Consumer Services, and local governments, shall develop surface water improvement and management plans for the water bodies based on the priority lists. The department shall establish a uniform format for such plans and a schedule for reviewing and updating the plans. These plans shall include, but not be limited to:

(a) A description of the water body system, its historical and current uses, its hydrology, and a history of the conditions which have led to the need for restoration or protection;

(b) An identification of all governmental units that have jurisdiction over the water body and its drainage basin within the approved surface water improvement and management plan area, including local, regional, state, and federal units;

(c) A description of land uses within the drainage basin within the approved surface water improvement and management plan area and those of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities;

(d) A list of the owners of point and nonpoint sources of water pollution that are discharged into each water body and tributary thereto and that adversely affect the public interest, including separate lists of those sources that are:

1. Operating without a permit;
2. Operating with a temporary operating permit; and
3. Presently violating effluent limits or water quality standards.

The plan shall also include recommendations and schedules for bringing all sources into compliance with state standards when not contrary to the public interest. This paragraph does not authorize any existing or future violation of any applicable statute, regulation, or permit requirement, and does not diminish the authority of the department or the water management district;

(e) A description of strategies and potential strategies for restoring or protecting the water body to Class III or better;

(f) A listing of studies that are being or have been prepared for the water body;

(g) A description of the research and feasibility studies which will be performed to determine the particular strategy or strategies to restore or protect the water body;

(h) A description of the measures needed to manage and maintain the water body once it has been restored and to prevent future degradation;

(i) A schedule for restoration and protection of the water body; and

(j) An estimate of the funding needed to carry out the restoration or protection strategies.

(5) The governing board of each water management district is encouraged to appoint advisory committees as necessary to assist in formulating and evaluating strategies for water body protection and restoration activities and to increase public awareness and intergovernmental cooperation. Such committees should include representatives of the Game and Fresh Water Fish Commission, ~~the Department of Natural Resources~~, the Department of Agriculture and Consumer Services, appropriate local governments, federal agencies, existing advisory councils for the subject water body, and representatives of the public who use the water body.

Section 272. Subsections (1) and (4) of section 373.455, Florida Statutes, are amended to read:

373.455 Review of surface water improvement and management plans.—

(1) At least 60 days prior to consideration by the governing board pursuant to s. 373.456(1) of its surface water improvement and management plan, a water management district shall transmit its proposed plan to the department, the Department of Agriculture and Consumer Services, the Game and Fresh Water Fish Commission, the Department of Community Affairs, ~~the Department of Natural Resources~~, and local governments.

(4) ~~The department of Natural Resources~~ shall review each proposed surface water improvement and management plan to determine the effects of the plan on state-owned lands and on marine and estuarine aquatic life and their habitats. If ~~the department of Natural Resources~~ determines that the plan has adverse effects on these resources and that such adverse effects exceed the beneficial effects on these resources, the department shall recommend modifications of, or additions to, the plan to the district governing board at the time it considers the plan pursuant to s. 373.456(1).

Section 273. Paragraph (c) of subsection (1) of section 373.4592, Florida Statutes, is amended to read:

373.4592 Everglades improvement and management.—

(1) FINDINGS AND INTENT.—

(c) It is the intent of the Legislature to facilitate the surface water improvement and management process, to assist the district and the Department of Environmental ~~Protection Regulation~~ in the performance of their duties and responsibilities, and to provide funding mechanisms which will contribute to the implementation of the strategies incorporated in the Everglades Surface Water Improvement and Management Plan or contribute to projects or facilities determined necessary to meet water quality requirements established by rulemaking or permit proceedings.

Section 274. Subsection (2) of section 373.4595, Florida Statutes, is amended to read:

373.4595 Lake Okeechobee improvement and management.—

(2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY COUNCIL.—

(a) The Legislature finds that efforts to reduce nutrient levels in Lake Okeechobee have resulted in diversions of nutrient-laden waters to other environmentally sensitive areas, which diversions have resulted in adverse environmental effects. The Legislature also finds that both the agriculture industry and the environmental community are committed to protecting Lake Okeechobee and these environmentally sensitive areas from further harm and that this crisis must be addressed immediately. Therefore:

1. The South Florida Water Management District shall not divert waters to the Indian River estuary, the Caloosahatchee River or its estuary, or the Everglades National Park, in such a way that the state water quality standards are violated, that the nutrients in such diverted waters adversely affect indigenous vegetation communities or wildlife, or that fresh waters diverted to the Caloosahatchee or Indian River estuaries adversely affect the estuarine vegetation or wildlife, unless the receiving waters will biologically benefit by the diversion. However, diversion is permitted when an emergency is declared by the water management district, if the Secretary of ~~the Department of Environmental Protection Regulation~~ concurs.

2. The South Florida Water Management district may divert waters to other areas, including Lake Hicpochee, unless otherwise provided by law. However, the district shall monitor the effects of such diversions to determine the extent of adverse or positive environmental effects on indigenous vegetation and wildlife. The results of the monitoring shall be reported to the Lake Okeechobee Technical Advisory Council. If the monitoring of such diversions reveals continuing adverse environmental effects, the district shall make recommendations to the Legislature by July 1, 1988, on how to cease the diversions.

(b)1. There is hereby created a Lake Okeechobee Technical Advisory Council. Council members shall be experts in the fields of botany, wildlife biology, aquatic biology, water quality chemistry, or hydrology and shall consist of:

- a. Three members appointed by the Governor;
- b. Three members appointed by the Speaker of the House of Representatives;
- c. Three members appointed by the President of the Senate;
- d. One member from the Institute of Food and Agricultural Sciences, University of Florida, appointed by the President of the University of Florida; and
- e. One member from the College of Natural Sciences, University of South Florida, appointed by the President of the University of South Florida.

Members shall be appointed not later than July 15, 1987.

2. The purpose of the council shall be to investigate the adverse effects of past diversions of water and potential effects of future diversions on indigenous wildlife and vegetation and to report to the Legislature, no later than March 1, 1988, with

findings and recommendations proposing permanent solutions to eliminate such adverse effects.

3. The South Florida Water Management District shall provide staff and assistance to the council. The Department of Environmental ~~Protection Regulation~~, the Game and Fresh Water Fish Commission, and the district shall cooperate with the council.

4. The council shall meet not less than once every 2 months at the call of the chairman, or at the call of four other members of the council. The council shall elect from its members a chairman and vice chairman and such other officers as the council deems necessary. The council may establish other procedures for the conduct of its business.

5. The members of the council are not entitled to compensation but are eligible for per diem and travel expenses pursuant to s. 112.061.

Section 275. Section 373.498, Florida Statutes, is amended to read:

373.498 Disbursements from water resources development account.—Subject to the provisions of this chapter, there shall be available to any flood control or water management district created under this chapter or by special acts of Legislature, out of said Water Resources Development Account upon the approval of the Department of Environmental ~~Protection Regulation~~, a sum or sums of money not exceeding in the aggregate the total estimated amount required to cover the costs allocated to the district for constructing the works of said district, for the acquisition of lands for water storage areas, for highway bridge construction, and for administration and promotion. These works may include small watershed projects (Pub. L. No. 83-566). Said sum or sums shall be available as money is required for said purposes and may be a grant to said districts. Also, subject to the provisions of this chapter, there shall be available to any navigation district or agency created under chapter 374 or by special act of the Legislature, out of said Water Resources Development Account upon approval of the department, a sum or sums of money not exceeding in the aggregate the total estimated amount required to cover the costs allocated to the district for constructing the works, for highway bridge construction, for the acquisition of land for rights-of-way, for water storage areas, and for administration and promotion. Said sum or sums shall be available as money is required for said purposes and may be a grant to said districts or agencies.

Section 276. Paragraph (a) of subsection (5) of section 373.536, Florida Statutes, is amended to read:

373.536 District budget and hearing thereon.—

(5)(a) Each water management district shall, by August 5 of each year, submit to the Department of Environmental ~~Protection Regulation~~, the Executive Office of the Governor, and the Chairmen of the Appropriations Committees of the Legislature for review a tentative budget that includes, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the department which is generally consistent with the format prescribed by legislative budget instructions for state agencies and the format requirements of s. 216.031:

1. The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction;
2. For each program area, the salary and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services;
3. A description of each new, expanded, reduced, or eliminated program;
4. A 5-year capital improvements plan; and
5. The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

Section 277. Subsection (1), paragraph (a) of subsection (2), paragraphs (b), (c), and (d) of subsection (3), subsection (5), and paragraph (e) of subsection (13) of section 373.59, Florida Statutes, are amended to read:

373.59 Water Management Lands Trust Fund.—

(1) There is established within the Department of Environmental ~~Protection Regulation~~ 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, payments in lieu of taxes, and administration of the fund in accordance with the provisions of this section. Up to 15 percent of the moneys in the fund may be allocated annually to the districts for management, maintenance, and capital improvements pursuant to subsection (7).

~~(2)(a) Subsequent to public hearings, similar to those held pursuant to s. 120.54, each district shall file a 5-year plan for acquisition with the Legislature and the Secretary of Environmental Regulation by January 15, 1982. By January 15 of each year~~ Annually thereafter, each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisition activity together with modifications or additions to its 5-year plan of acquisition. The report shall also include a description of land management activity. Expenditure of moneys from the Water Management Lands Trust Fund shall be limited to the costs for acquisition, management, maintenance, and capital improvements of lands included within the 5-year plan as filed by each district and to 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 (7). However, no acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54. In the annual update of its 5-year plan for acquisition, each district shall identify lands needed to protect or recharge groundwater and shall establish a plan for their acquisition as necessary to protect potable water supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation.

(3)

(b) The Secretary of ~~the Department of Environmental Protection Regulation~~ shall release moneys from the Water Management Lands Trust Fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the

district's governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the Water Management Lands Trust Fund.

(c) The Secretary of ~~the Department of Environmental Protection Regulation~~ shall release acquisition moneys from the Water Management Lands Trust Fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the plan of acquisition and other provisions of this act. The governing board shall also provide to the Secretary of Environmental ~~Protection Regulation~~ a copy of all certified appraisals used to determine the value of the land to be purchased. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental ~~Protection Regulation~~ may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this act or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.

(d) The Secretary of ~~the Department of Environmental Protection Regulation~~ shall release to the districts moneys for management, maintenance, and capital improvements following receipt of a resolution and request adopted by the governing board which specifies the designated managing agency, specific management activities, public use, estimated annual operating costs, and other acceptable documentation to justify release of moneys.

(5) If a district issues revenue bonds or notes under s. 373.584, the district may pledge its share of the moneys in the Water Management Lands Trust Fund as security for such bonds or notes. The Department of Environmental ~~Protection Regulation~~ shall pay moneys from the trust fund to a district or its designee sufficient to pay the debt service, as it becomes due, on the outstanding bonds and notes of the district; however, such payments shall not exceed the district's cumulative portion of the trust fund. However, any moneys remaining after payment of the amount due on the debt service shall be released to the district pursuant to subsection (3).

(13)

(e) Payment in lieu of taxes shall be made within 30 days after: certification by the Department of Revenue that the amounts applied for are appropriate, certification by the Department of Environmental ~~Protection Regulation~~ that funds are available, and completion of any fund transfers to the district. The governing board may reduce the amount of a payment in lieu of taxes to any county by the amount of other payments, grants, or in-kind services provided to that county by the district during the year. The amount of any reduction in payments shall remain in the Water Management Lands Trust Fund for purposes provided by law.

Section 278. Section 373.603, Florida Statutes, is amended to read:

373.603 Power to enforce.—The Department of Environmental ~~Protection Regulation~~ or the governing board of any water management district and any officer or agent thereof may enforce any provision of this law or any rule or regulation adopted and promulgated or order issued thereunder to the same extent as any

peace officer is authorized to enforce the law. Any officer or agent of any such board may appear before any magistrate empowered to issue warrants in criminal cases and make an affidavit and apply for the issuance of a warrant in the manner provided by law; and said magistrate, if such affidavit shall allege the commission of an offense, shall issue a warrant directed to any sheriff or deputy for the arrest of any offender. The provisions of this section shall apply to the Florida Water Resources Act of 1972 in its entirety.

Section 279. Section 374.001, Florida Statutes, is repealed.

Section 280. Section 374.3001, Florida Statutes, is repealed.

Section 281. Section 374.977, Florida Statutes, is amended to read:

374.977 Inland navigation districts; manatee protection speed zones, responsibility for sign posting.—Each inland navigation district shall be responsible for posting and maintaining regulatory markers, as approved by the Department of Environmental Protection Natural Resources, for manatee protection speed zones. Such responsibility shall not be limited to the intracoastal waterway, but shall include all waters within each member county for which regulatory markers must be posted. Sign locations shall be jointly selected by the Department of Environmental Protection Natural Resources and the appropriate inland navigation district, pending necessary federal, state and local approvals. Should an inland navigation district lack the resources or otherwise be unable to carry out its sign posting and maintenance duties, this responsibility shall then be assumed by the Department of Environmental Protection Natural Resources.

Section 282. Subsections (1), (3), and (4) of section 375.021, Florida Statutes, are amended to read:

375.021 Comprehensive multipurpose outdoor recreation plan.—

(1) The department of Natural Resources is given the responsibility, authority, and power to develop and execute a comprehensive multipurpose outdoor recreation plan for this state with the cooperation of the Department of Agriculture and Consumer Services, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Commerce, and the water management districts.

(3) The outdoor recreation plan shall be kept current through continual reevaluation and revision. Each agency named in subsection (1) must submit data to the Department of Environmental Protection Natural Resources periodically, upon request, relative to recreational opportunities supplied by that agency, potential recreational opportunities which could be provided by the agency, and any other relevant recreational statistics that the agency may possess. The agencies shall meet periodically at the request of the Department of Environmental Protection Natural Resources to discuss recreational issues.

(4) The Department of Environmental Protection Natural Resources may contract with the Government of the United States, or any agency or instrumentality thereof; or with the state or any county, municipality, district authority, or political subdivision; or with any private corporation, partnership, association, or person providing for or relating to the development of outdoor recreation or conservation in accomplishing the purposes of this act. The department may receive and accept from any federal agency, state agency, or other public body grants or loans for or

in aid of the purposes of this act; and the department may receive and accept aid, contributions, or loans from any other source of money, property, labor, or other things of value to be held, used, and applied only for the purpose for which such aid, grants, or loans were made. Without limiting or modifying any of the powers and authority of the department, but specifically as an addition thereto, the department is expressly authorized to participate in the land and water conservation fund program, established by and pursuant to Pub. L. No. 88-578, as it may be amended from time to time.

Section 283. Subsection (3) of section 375.031, Florida Statutes, is amended to read:

375.031 Acquisition of land; procedures.—

(3)(a) All land, water areas, and related resources hereafter needed by the state for outdoor recreation, wildlife management, forestry management, nature preservation, water conservation and control, and other similar or related purposes shall be acquired by the Division of State Lands of the Department of Environmental Protection Natural Resources pursuant to the procedures set forth in chapter 253.

(b) On behalf of the Board of Trustees of the Internal Improvement Trust Fund and before the appraisal of a parcel approved for purchase pursuant to this chapter, the ~~Secretary executive director of Environmental Protection the Department of Natural Resources~~ or the director of the Division of State Lands may enter into an option contract to buy such parcel. The option contract shall state that the final purchase price is subject to approval by the board and that this price may not exceed the maximum offer allowed by law. The consideration for such option may not exceed \$1,000 or .01 percent of the estimate by the department of the value of the parcel, whichever is greater.

Section 284. Subsection (5) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(5) When the Legislature has authorized the Department of Environmental Protection Natural Resources to condemn a specific parcel of land and such parcel already has been approved for acquisition through the fund, the land may be acquired in accordance with the provisions of chapter 73 or chapter 74, and the fund may be used to pay the condemnation award and all costs, including a reasonable attorney's fee, associated with condemnation.

Section 285. Section 375.045, Florida Statutes, is amended to read:

375.045 Florida Preservation 2000 Trust Fund.—

(1) There is created the Florida Preservation 2000 Trust Fund to carry out the purposes of ss. 253.023, 259.101, and 375.031. The Florida Preservation 2000 Trust Fund shall be held and administered by the Department of Environmental Protection Natural Resources. Proceeds from the sale of revenue bonds issued pursuant to s. 375.051 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a), not to exceed \$3 billion, shall be deposited into this trust fund to be distributed as provided in s. 259.101(3). The bond resolution adopted by the governing board of the Division of Bond Finance may provide for additional provisions that govern the disbursement of the bond proceeds.

(2) The Department of ~~Environmental Protection Natural Resources~~ shall distribute revenues from the Florida Preservation 2000 Trust Fund only to programs of state agencies or local governments as set out in s. 259.101(3). Such distributions shall be spent by the recipient within 90 days after the date on which the Department of ~~Environmental Protection Natural Resources~~ initiates the transfer.

(3) Any agency or district which acquires lands using Preservation 2000 funds, as distributed pursuant to this section and s. 259.101(3), shall manage the lands to make them available for public recreational use, provided that the recreational use does not interfere with the protection of natural resource values. Any such agency or district may enter into agreements with the Department of ~~Environmental Protection Natural Resources~~ or other appropriate state agencies to transfer management authority to or to lease to such agencies lands purchased with Preservation 2000 funds, for the purpose of managing the lands to make them available for public recreational use. The water management districts and the Department of ~~Environmental Protection Natural Resources~~ shall take action to control the growth of nonnative invasive plant species on lands they manage which are purchased with Preservation 2000 funds.

(4) The Department of ~~Environmental Protection Natural Resources~~ shall ensure that the proceeds from the sale of revenue bonds issued pursuant to s. 375.051 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a) shall be administered and expended in a manner that ensures compliance of each issue of revenue bonds that are issued on the basis that interest thereon will be excluded from gross income for federal income tax purposes, with the applicable provisions of the United States Internal Revenue Code and the regulations promulgated thereunder, to the extent necessary to preserve the exclusion of interest on such revenue bonds from gross income for federal income tax purposes. The Department of ~~Environmental Protection Natural Resources~~ shall have the authority to administer the use and disbursement of the proceeds of such revenue bonds or require that the use and disbursement thereof be administered in such a manner as shall be necessary to implement strategies to maximize any available benefits under the applicable provisions of the United States Internal Revenue Code or regulations promulgated thereunder, to the extent not inconsistent with the purposes identified in s. 259.101(3).

Upon a determination by the Department of ~~Environmental Protection Natural Resources~~ that proceeds being held in the trust fund to support distributions outside the Department of ~~Environmental Protection Natural Resources~~ are not likely to be disbursed in accordance with the foregoing considerations, the Department of ~~Environmental Protection Natural Resources~~ shall petition the Governor and Cabinet to allow for the immediate disbursement of such funds for the acquisition of projects approved for purchase pursuant to the provisions of chapter 259.

Section 286. Section 375.065, Florida Statutes, is amended to read:

375.065 Public beaches; financial and other assistance by Department of ~~Environmental Protection Natural Resources~~ to local governments.—

(1) The Department of ~~Environmental Protection Natural Resources~~ is authorized, within the limits of appropriations available to the department for such purposes, to utilize any one or more of the following procedures in establishing and operating a program of financial assistance to local governments for the acquisition of public beach properties:

(a) The department may make grants for, and advance loans to, the governing body of any county or municipality in an amount not to exceed the fair market value, as determined by the department, of any waterfront property sought to be purchased by said governing body for the purpose of establishing and maintaining a public beach.

(b) The department may require the local governing body to give assurance that it has the financial ability to furnish or secure funds to complete the purchase of the property sought. Any revenue from concessions, tolls, or parking or otherwise produced by the development or operation of such public beach may be pledged to amortize any indebtedness incurred in such beach acquisitions.

(2) The Department of Environmental Protection ~~Natural Resources~~ may acquire waterfront property and may lease, sell, or grant acquired land, water areas, and related resources or improvements thereon to the governing body of any county or municipality upon such terms and conditions as the department may require in order to assure that such property will be reserved for public use and benefit in the future.

(3) The department is authorized to promulgate such rules and forms as may be necessary to carry out the purposes of this section and to ensure that all projects to which assistance is rendered hereunder are for the purpose of providing public beaches for recreation purposes.

(4) In addition to the authorized assistance procedures provided by this section, the Legislature hereby urges the Department of Environmental Protection ~~Natural Resources~~ to give priority to applications relating to the acquisition of public beaches in urban areas, and to make full use of the federal Land and Water Conservation Fund Act of 1965, as amended, or other applicable federal programs. This section is supplemental to and shall not limit or repeal any provision of the Outdoor Recreation Act of 1963.

Section 287. Subsection (1) of section 375.075, Florida Statutes, is amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection ~~Natural Resources~~ is authorized, pursuant to s. 370.023, to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each year, the department shall develop and plan a program which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year.

Section 288. Subsection (4) of section 376.021, Florida Statutes, is amended to read:

376.021 Legislative intent with respect to pollution of coastal waters and lands.

(4) The Legislature intends by the enactment of ss. 376.011-376.21 to exercise the police power of the state by conferring upon the Department of Environmental Protection ~~Natural Resources~~ power to:

(a) Deal with the hazards and threats of danger and damage posed by such transfers and related activities;

(b) Require the prompt containment and removal of pollution occasioned thereby; and

(c) Establish a fund to provide for the inspection and supervision of such activities and guarantee the prompt payment of reasonable damage claims resulting therefrom.

Section 289. Section 376.031, Florida Statutes, is amended to read:

376.031 Definitions.—When used in ss. 376.011-376.21, unless the context clearly requires otherwise, the term:

(1) “Barrel” means 42 U.S. gallons at 60 degrees Fahrenheit.

(2) “Board” means the board of arbitration.

(3) “Coastline” means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606.

(4) “Damage” means the documented extent of any destruction to or loss of any real or personal property, or the documented extent of any destruction of the environment and natural resources, including all living things except human beings, as the direct result of the discharge of a pollutant.

(5) “Department” means the Department of Environmental Protection Natural Resources.

~~(6) “Director” means the executive director of the Department of Natural Resources.~~

~~(6)(7)~~ “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, emitting, emptying, or dumping which occurs within the territorial limits of the state or outside the territorial limits of the state and affects lands and waters within the territorial limits of the state.

~~(7)(8)~~ “Discharge cleanup organization” means any group, incorporated or unincorporated, of owners or operators of waterfront terminal facilities in any port or harbor of the state, and any other person who may elect to join, organized for the purpose of containing and cleaning up discharges of pollutants through cooperative efforts and shared equipment and facilities. For the purposes of ss. 376.011-376.21, any third-party cleanup contractor or any local government shall be recognized as a discharge cleanup organization, provided such contractor or local government is properly certified by the department.

~~(8)(9)~~ “Fund” means the Florida Coastal Protection Trust Fund.

~~(9)(10)~~ “Marine fueling facility” means a commercial or recreational coastal facility providing fuel to vessels, excluding a bulk product facility.

~~(10)(11)~~ “Other measurements” means measurements set by the department for products transferred at terminals which are other than fluid or which are not commonly measured by the barrel.

~~(11)(12)~~ “Owner” means any person owning a terminal facility; “operator” means any person operating a terminal facility, whether by lease, contract, or other form of agreement.

(12)(13) "Person" means any individual, partner, joint venture, corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(13)(14) "Person in charge" means the person on the scene who is in direct, responsible charge of a terminal facility or vessel from which pollutants are discharged, when the discharge occurs.

(14)(15) "Pollutants" includes oil of any kind and in any form, gasoline, pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(15)(16) "Pollution" means the presence in the outdoor atmosphere or waters of the state of any one or more substances or pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(16)(17) "Registrant" is a terminal facility required to possess a valid registration certificate to operate as a terminal facility.

(17) "Secretary" means the Secretary of Environmental Protection.

(18) "Technical feasibility" or "technically feasible" means that given available technology, a restoration project can be successfully completed.

(19) "Terminal facility" means any waterfront or offshore facility of any kind, other than vessels not owned or operated by such facility, and directly associated waterfront or offshore appurtenances including pipelines located on land, including submerged lands, or on or under the surface of any kind of water, which facility and related appurtenances are used or capable of being used for the purpose of drilling for, pumping, storing, handling, transferring, processing, or refining pollutants, including, but not limited to, any such facility and related appurtenances owned or operated by a public utility or a governmental or quasi-governmental body. A vessel shall be considered a terminal facility only in the event of a ship-to-ship transfer of pollutants, and only that vessel going to or coming from the place of transfer and the terminal facility. For the purposes of ss. 376.011-376.21, the term "terminal facility" shall not be construed to include waterfront facilities owned and operated by governmental entities acting as agents of public convenience for operators engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants; however, each operator engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants through a waterfront facility owned and operated by such a governmental entity shall be construed as a terminal facility.

(20) "Transfer" or "transferred" includes onloading or offloading between terminal facility and vessel, vessel and vessel, or terminal facility and terminal facility.

(21) "Vessel" includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water, whether self-propelled or otherwise, and includes barges and tugs.

Section 290. Section 376.051, Florida Statutes, is amended to read:

376.051 Powers and duties of the Department of Environmental Protection
~~Natural Resources.~~—

(1) The powers and duties conferred by ss. 376.011-376.21 shall be exercised by the department of ~~Natural Resources~~ and shall be deemed to be an essential governmental function in the exercise of the police power of the state. ~~The Department of Environmental Regulation is directed to cooperate with the Department of Natural Resources and to offer consultative services, enforcement, prosecution, and technical advice to the department.~~ The department may call upon any other state agency for consultative services and technical advice and the agencies are directed to cooperate in said request.

(2) The powers and duties of the department under ss. 376.011-376.21 shall extend to the boundaries of the state described in s. 1, Art. II of the State Constitution.

(3) Registration certificates and discharge prevention and response certificates required under ss. 376.011-376.21 shall be issued from the department subject to such terms and conditions as are set forth in ss. 376.011-376.21 and as set forth in rules adopted by the department as authorized herein.

(4) Whenever it becomes necessary for the state to protect the public interest under ss. 376.011-376.21, it shall be the duty of the department to keep an accurate record of costs and expenses incurred and thereafter diligently to pursue the recovery of any sums so incurred from the person responsible or from the Government of the United States under any applicable federal act.

(5) The department may bring an action on behalf of the state to enforce the liabilities imposed by s. 376.12. The Department of Legal Affairs shall represent the department in any such proceeding.

~~(6) Within 120 days of July 1, 1982, the department shall adopt rules providing for the coordination of the respective duties of the Department of Environmental Regulation and the Department of Natural Resources with respect to the implementation of ss. 376.011-376.21. Such rules shall specifically establish procedures that determine which of the two agencies should respond in cases of specific types of pollutant discharge incidents, and such rules shall establish minimum criteria for response times. The rules shall also specify criteria and procedures for the expenditures of Florida Coastal Protection Trust Fund moneys for pollution incidents that require action by the Department of Environmental Regulation.~~

Section 291. Section 376.0705, Florida Statutes, is amended to read:

376.0705 Development of training programs and educational materials.—The department of ~~Natural Resources~~ shall encourage the development of training programs for personnel needed for pollutant discharge prevention and cleanup activities. The department shall work with accredited community colleges, vocational-technical centers, state universities, and private institutions in developing educational materials, courses of study, and other such information to be made available for persons seeking to be trained for pollutant discharge prevention and cleanup activities.

Section 292. Section 376.10, Florida Statutes, is amended to read:

376.10 Personnel and equipment.—The department shall establish and maintain at such ports within the state and other places as it shall determine such employees and equipment, other than equipment furnished by the registrant, as in its judgment may be necessary to carry out the provisions of ss. 376.011-376.21.

The department may employ and prescribe the duties of such employees, subject to the rules and regulations of the Division of Personnel Management Services of the Department of Management Services. The salaries of the employees and the cost of the equipment shall be paid from the Florida Coastal Protection Trust Fund established by ss. 376.011-376.21. The department shall periodically consult with other departments of the state and specifically with the Department of Environmental Regulation relative to procedures for the prevention of discharges of pollutants into or affecting the coastal waters of the state from operations regulated by ss. 376.011-376.21.

Section 293. Subsection (5) of section 376.12, Florida Statutes, is amended to read:

376.12 Liabilities and defenses of terminal facilities and vessels.—

(5) Any person claiming to have suffered damages as a result of a discharge of pollutants prohibited by s. 376.041 may, within 180 days after the date of such discharge, apply to the department for reimbursement from the Florida Coastal Protection Trust Fund. It shall be the responsibility of the claimant to provide the department with the required documentation concerning the damages suffered as a direct result of the discharge. The department shall prescribe appropriate forms and details for such application, which application shall include a provision requiring the applicant to make a sworn verification of the damage claim to the best of his knowledge. The secretary director of the department may, upon petition and for good cause shown, waive the 180-day limitation for filing damage claims.

(a) The secretary director shall establish the amount of damage award and shall certify the amount of the award and the name of the claimant to the Treasurer, who shall pay the award from the fund, subject to the provisions of subsection (8) (9). If the claimant agrees with the established amount of damage, the settlement shall be binding upon both parties as to all issues and cannot be further attacked, collaterally or by separate action, in the future. If the total amount of such awards exceeds the amount available to any claimant or claimants from the fund, such claimant or claimants shall have the right to a pro rata share of all funds available in the fund until the total amount of awards is paid to the claimant or claimants.

(b) If either the claimant or the person determined by the secretary director to be responsible for the discharge disagrees with the amount of the damage award, such person may request a hearing pursuant to s. 120.57. ~~If a hearing is requested, the final order shall be issued by the Governor and Cabinet as head of the department.~~

(c) Each person's damage claims arising from a single occurrence shall be stated in one application. Damages omitted from any claim at the time the award is made shall be deemed waived.

(d) If a person damaged by a discharge of pollutant chooses to make a claim against the fund and accepts payment from, or a judgment against, the fund, then the department shall be subrogated to any cause of action that the claimant may have had, to the extent of such payment or judgment, and shall diligently pursue recovery on that cause of action pursuant to subsection (6) (8) and s. 376.11(6). In any such action, the amount of damages shall be proved by the department by submitting to the court a written report of the amounts paid or owed from the fund

to claimants. Such written report shall be admissible in evidence, and the amounts paid from or owed by the fund to the claimants stated therein shall be irrebuttably presumed to be the amount of damages.

(e) The fund is absolutely liable for all proven damages against the fund as provided for in this section.

(f) The department shall be a necessary party to all administrative hearings and court proceedings under this section.

Section 294. Subsections (8) and (10) of section 376.121, Florida Statutes, are amended to read:

376.121 Liability for damage to natural resources.—The Legislature finds that extensive damage to the state's natural resources is the likely result of a pollutant discharge and that it is essential that the state adequately assess and recover the cost of such damage from responsible parties. It is the state's goal to recover the costs of restoration from the responsible parties and to restore damaged natural resources to their predischarge condition. In many instances, however, restoration is not technically feasible. In such instances, the state has the responsibility to its citizens to recover the cost of all damage to natural resources. To ensure that the public does not bear a substantial loss as a result of the destruction of natural resources, the procedures set out in this section shall be used to assess the cost of damage to such resources. Natural resources include coastal waters, wetlands, estuaries, tidal flats, beaches, lands adjoining the seacoasts of the state, and all living things except human beings. The Legislature recognizes the difficulty historically encountered in calculating the value of damaged natural resources. The value of certain qualities of the state's natural resources is not readily quantifiable, yet the resources and their qualities have an intrinsic value to the residents of the state, and any damage to natural resources and their qualities should not be dismissed as nonrecoverable merely because of the difficulty in quantifying their value. In order to avoid unnecessary speculation and expenditure of limited resources to determine these values, the Legislature hereby establishes a schedule for compensation for damage to the state's natural resources and the quality of said resources.

(8) When assessing the amount of damages to natural resources, the department shall be assisted by ~~representatives of the Department of Environmental Regulation~~, if requested by the department, ~~by representatives of as well as~~ other state agencies and local governments ~~that which~~ would enhance the department's damage assessment. The Game and Fresh Water Fish Commission shall assist the department in the assessment of damages to wildlife impacted by a pollutant discharge and shall assist the department in recovering the costs of such damages.

(10) For discharges of more than 30,000 gallons, the department shall, in consultation with the Game and Fresh Water Fish Commission ~~and the Department of Environmental Regulation~~, adopt rules by July 1, 1994, to assess compensation for the damage to natural resources based upon the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of the damaged natural resources; the diminution in the value of those resources pending restoration; and the reasonable cost of assessing those damages. The person responsible for a discharge shall be given an opportunity to consult with the department on the assessment design and restoration program.

(a) For discharges greater than 30,000 gallons, the person responsible has the option to pay the amount of compensation calculated pursuant to the compensation schedule established in subsection (4) or pay the amount determined by a damage assessment performed by the department. If the person responsible for the discharge elects to have a damage assessment performed, then such person shall notify the department in writing of such decision within 15 days after the discovery of the discharge. The decision to have a damage assessment performed to determine compensation for a discharge shall be final; the person responsible for a discharge may not later elect to use the compensation schedule for computing compensation. Failure to make such notice shall result in the amount of compensation for the total damage to natural resources being calculated based on the compensation schedule. The compensation shall be paid within 90 days after receipt of a written request from the department.

(b) In the event the person responsible for a discharge greater than 30,000 gallons elects to have a damage assessment performed, said person shall pay to the department an amount equal to the compensation calculated pursuant to subsection (4) for the discharge using a volume of 30,000 gallons. The payment shall be made within 90 days after receipt of a written request from the department.

(c) After completion of the damage assessment, the department shall advise the person responsible for the discharge of the amount of compensation due to the state. A credit shall be given for the amount paid pursuant to paragraph (b). Payment shall be made within 90 days after receipt of a written request from the department. In no event shall the total compensation paid pursuant to this section be less than the dollar amount calculated pursuant to paragraph (b).

Section 295. Subsections (2), (3), and (4) of section 376.163, Florida Statutes, are amended to read:

376.163 Pollutant Discharge Technical Advisory Council.—

(2) The council shall advise ~~the Department of Natural Resources and the Department of Environmental Protection Regulation~~ in the implementation of the recommendations of the Discharge Response Task Force and other matters relating to pollution control and response.

(3) The council shall be appointed by the ~~Secretary executive director of Environmental Protection the Department of Natural Resources~~ and shall be chaired by the ~~secretary executive director~~ or his designee. Meetings shall be held at the call of the chairman, but at least quarterly.

(4) The council shall be composed of, but not limited to, representatives of the following interests: shipping, bunkering, terminal facilities and ports, environmental, port pilots, wildlife recovery, spillage control cooperatives, the community college system, and the Game and Fresh Water Fish Commission, ~~and the Department of Environmental Regulation.~~

Section 296. Subsection (3) of section 376.30, Florida Statutes, is amended to read:

376.30 Legislative intent with respect to pollution of surface and ground waters.—

(3) The Legislature intends by the enactment of ss. 376.30-376.319 to exercise the police power of the state by conferring upon the Department of Environmental Protection Regulation the power to:

(a) Deal with the environmental and health hazards and threats of danger and damage posed by such storage, transportation, disposal, and related activities;

(b) Require the prompt containment and removal of products occasioned thereby; and

(c) Establish a program which will enable the department to:

1. Provide for expeditious restoration or replacement of potable water systems or potable private wells of affected persons where health hazards exist due to contamination from pollutants (which may include provision of bottled water on a temporary basis, after which a more stable and convenient source of potable water shall be provided) and hazardous substances, subject to the following conditions:

a. For the purposes of this subparagraph, the term "restoration" means restoration of a contaminated potable water supply to a level which meets applicable water quality standards or applicable water quality criteria, as adopted by rule, for the contaminant or contaminants present in the water supply, or, where no such standards or criteria have been adopted, to a level which is determined to be a safe, potable level by the State Health Officer in the Department of Health and Rehabilitative Services, through the installation of a filtration system and provision of replacement filters as necessary or through employment of repairs or another treatment method or methods designed to remove or filter out contamination from the water supply; and the term "replacement" means replacement of a well or well field or connection to an alternative source of safe, potable water.

b. For the purposes of the Inland Protection Trust Fund, such restoration or replacement shall take precedence over other uses of the unobligated moneys within the fund.

c. Funding for activities described in this subparagraph shall not exceed \$10 million for any one county for any one year, other than for the provision of bottled water.

d. Funding for activities described in this subparagraph shall not be available to fund any increase in the capacity of a potable water system or potable private well over the capacity which existed prior to such restoration or replacement, unless such increase is the result of the use of a more cost-effective alternative than other alternatives available.

2. Provide for the inspection and supervision of activities described in this subsection; and

3. Guarantee the prompt payment of reasonable costs resulting therefrom, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other services to the department in the investigation of drinking water contamination complaints.

Section 297. Subsections (5), (22), and (23) of section 376.301, Florida Statutes, are amended to read:

376.301 Definitions of terms used in ss. 376.30-376.319.—When used in ss. 376.30-376.319, unless the context clearly requires otherwise, the term:

(5) “Department” means the Department of Environmental Protection Regulation.

(22) “Secretary” means the Secretary of ~~the Department of Environmental Protection Regulation~~.

(23) “Storage system” means a stationary tank not covered under the provisions of chapter 377, together with any onsite integral piping or dispensing system associated therewith, which is or has been used for the storage or supply of any petroleum product, pollutant, or hazardous substance as defined herein, and which is registered with the department of ~~Environmental Regulation~~ under this chapter or any rule adopted pursuant hereto.

Section 298. Section 376.303, Florida Statutes, is amended to read:

376.303 Powers and duties of the Department of Environmental Protection Regulation.—

(1) The department has the power and the duty to:

(a) Establish rules, including, but not limited to, construction standards, permitting or registration of tanks, maintenance and installation standards, and removal or disposal standards, to implement the intent of ss. 376.30-376.319 and to regulate underground and aboveground facilities and their onsite integral piping systems. Such rules may establish standards for underground facilities which store hazardous substances or pollutants, and marine fueling facilities and aboveground facilities, not covered by chapter 377, which store pollutants. Beginning January 1, 1991, the department shall register bulk product facilities and shall issue annual renewals of such registrations. Requirements for facilities with underground storage tanks having storage capacities over 110 gallons that store hazardous substances shall not be effective until January 1, 1991. The department shall maintain a compliance verification program for this section, which may include investigations or inspections to locate improperly abandoned tanks and which shall be implemented upon termination of the Early Detection Incentive Program established under s. 376.3071(9) or December 31, 1987, whichever is earlier. The department may contract with other governmental agencies or private consultants to perform compliance verification activities. The contracts may provide for an advance of working capital to local governments to expedite the implementation of the compliance verification program. Counties with permit or registration fees for storage tanks or storage tank systems are not eligible for advance funding for the compliance verification program.

(b) Establish by rule a registration fee schedule for all storage systems regulated under this act sufficient to cover all costs associated with registration.

1. Revenues derived from fees imposed upon petroleum storage systems shall be deposited in the Inland Protection Trust Fund. All other revenues derived from such fees shall be deposited into the Water Quality Assurance Trust Fund.

2. The fee schedule shall provide as follows:

a. For new facilities, an initial registration fee of \$50 per tank is due and payable within 30 days after receipt of notification by the department.

b. For facilities at which tanks are replaced, a tank replacement fee of \$25 per tank is due and payable within 30 days after receipt of notification by the department.

c. An annual renewal fee of \$25 per tank is due and payable by July 1 of each year, except that stationary tanks of 110 gallons or less at nonresidential locations and agricultural tanks of 550 gallons or less shall not be assessed the fee.

d. Any payment made more than 30 days after the date it is due is delinquent and the registrant must pay an additional fee of \$20 for each tank with respect to which any payment is delinquent.

e. Bulk product facilities shall be assessed a registration fee and an annual renewal fee not to exceed \$1,000 per tank.

3. The department may also assess fees retroactively against late registrants for tanks for which a registration fee should have been paid beginning on or after July 1, 1986. Annual registration fees for all regulated tanks shall continue to accrue forward from the date of registration until tank removal or closure. Payment is due within 30 days of receipt of notification by the department.

4. The department shall notify each registrant of the annual fee requirement no later than June 1 of each year. Fees are due and payable by July 1. For each regulated facility registered with the department under this section, a registration placard shall be issued to the tank's owner listing the number of tanks registered and the amount of registration fees paid, to be displayed in plain view at the office, kiosk, or other suitable location at the facility where the tanks are located.

(c) Establish a registration program for aboveground hazardous substance tanks and compression vessels.

1. Owners or operators shall register their tanks and vessels with the department by December 31, 1992, pay initial registration fees by July 1, 1993, and pay annual renewal registration fees by July 1, 1994, in accordance with the requirements of this subsection. Flow-through process tanks, liquefied petroleum gas tanks, hydraulic lift tanks, electrical equipment tanks, storage tanks containing hazardous wastes as defined under Subtitle C of the Resource Recovery and Conservation Act, stormwater tanks, wastewater collection or discharge systems, or storage tanks located entirely within a building or portion of a building with an impervious floor that contains no valves or drains that would allow a discharge from the system are not required to register. Pollutant tanks required to be registered under s. 376.303(1)(b) or s. 376.323 shall not be required to be registered under this paragraph. The department shall, whenever possible, accept electronically transmitted registration data.

2. Registration fees.—

a. Owners of tanks or vessels shall submit to the department an initial registration fee of \$50 per tank or vessel. The fee shall be paid within 30 days after receipt of billing by the department.

b. Owners of tanks or vessels shall submit an annual renewal registration fee of \$25 per tank or vessel within 30 days after receipt of billing from the department.

c. Total annual registration fees for initial fees or renewals shall not exceed \$2,500 per facility.

d. Revenues derived from such fees shall be deposited into the Water Quality Assurance Trust Fund.

(d) Establish a technical advisory committee composed of knowledgeable participants from the department, local governments, regulated industries, and environmental interests for the purpose of recommending legislation for the regulation of aboveground storage tank systems and compression vessels containing hazardous substances and pollutants.

(e) Submit proposed legislation to the President of the Senate and the Speaker of the House of Representatives by January 1, 1994.

(f) Provide for the development and implementation of criteria and plans to prevent and meet occurrences of pollution of various kinds and degrees.

(g) Establish a requirement that any facility covered by this act be subject to complete and thorough inspections at reasonable times. Any facility which has discharged a pollutant in violation of the provisions of ss. 376.30-376.319 shall be fully and carefully monitored by the department to ensure that such discharge does not continue to occur.

(h) Keep an accurate record of the costs and expenses incurred for the removal of prohibited discharges and, except as otherwise provided by law, thereafter diligently pursue the recovery of any sums so incurred from the person responsible or from the United States Government under any applicable federal act, unless the department finds the amount involved too small or the likelihood of recovery too uncertain.

(i) Bring an action on behalf of the state to enforce the liabilities imposed by ss. 376.30-376.319. The provisions of ss. 403.121, 403.131, 403.141, and 403.161 apply to enforcement under ss. 376.30-376.319.

(2) The powers and duties of the department under ss. 376.30-376.319 shall extend to the land mass of the state not described in ss. 376.011-376.21.

(3)(a) The department may inspect the installation of any pollutant storage tank. Any person installing a pollutant storage tank, as defined in s. 489.105(17), shall certify that such installation is in accordance with the standards adopted pursuant to this section. The department shall promulgate a form for such certification which shall at a minimum include:

1. A signed statement by the certified pollutant storage systems contractor, as defined in s. 489.105(3)(p), that such installation is in accordance with standards adopted pursuant to this section; and

2. Signed statements by the onsite persons performing or supervising the installation of a pollutant storage tank, which statements shall be required of tasks that are necessary for the proper installation of such tank.

(b)1. The department shall, to the greatest extent possible, contract with local governments to provide for the administration of its responsibilities under this subsection. Such contracts may allow for administration outside the jurisdictional boundaries of a local government. However, no such contract shall be entered into unless the local government is deemed capable of carrying out such responsibilities to the satisfaction of the department.

2. To this end, the department shall inform local governments as to the provisions of this section and as to their options hereunder. At its option, any local government may apply to the department for such purpose on forms to be provided by the department and shall supply such information as the department may require.

(c) The department may enjoin the installation or use of any pollutant storage tank that has been or is being installed in violation of this section or chapter 489.

(d) No new or replaced tanks at bulk product facilities may be put into service or filled with pollutants until the facility has been inspected by the department and determined to be in compliance with department rules adopted pursuant to this chapter. During routine compliance inspections, the department will verify that a facility has ~~been issued~~ a current spill prevention and response certificate ~~issued by from the department of Natural Resources.~~

(4) The department may require a property owner to provide site access for activities associated with contamination assessment or remedial action. Nothing herein shall be construed to prohibit an action by the property owner to compel restoration of his property or to recover damages from the person responsible for the polluting condition requiring assessment or remedial action activities.

Section 299. Subsection (2) of section 376.304, Florida Statutes, is amended to read:

376.304 Review and analysis of disposal materials or byproducts; disposal at designated local government solid waste disposal facilities.—

(2) The department of ~~Environmental Regulation~~ is authorized to review and analyze the disposal materials or byproducts used or resulting from the cleanup of the release of pollutants in the waters of the state. Such materials that are determined by the department not to require extraordinary handling or disposal requirements may be designated for disposal in nearby existing local government solid waste disposal facilities where such facilities are determined to be designed and operated in a manner where disposal of such materials would not constitute an unreasonable risk to public health and the environment. Such designation by the department shall not be disallowed by actions of the local government responsible for operating the solid waste disposal facility. The designation by the department of a local government's solid waste facility as the location for disposing of materials and byproducts resulting from the activities essential to the cleanup of pollutants in the waters of the state shall constitute final agency action subject to review pursuant to chapter 120.

Section 300. Subsection (1) of section 376.307, Florida Statutes, is amended to read:

376.307 Water Quality Assurance Trust Fund.—

(1) There is created in the State Treasury the Water Quality Assurance Trust Fund, to be administered by the department of ~~Environmental Regulation~~.

Section 301. Paragraph (b) of subsection (9) of section 376.3071, Florida Statutes, is amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(9) EARLY DETECTION INCENTIVE PROGRAM.—To encourage early detection, reporting, and cleanup of contamination from leaking petroleum storage systems, the department shall, within the guidelines established in this subsection, conduct an incentive program which shall provide for a 30-month grace period ending on December 31, 1988. Pursuant thereto:

(b) When reporting forms become available for distribution, all sites involving incidents of contamination from petroleum storage systems initially reported to the department at any time from midnight on June 30, 1986, to midnight on December 31, 1988, shall be qualified sites, provided that such a complete written report is filed with respect thereto within a reasonable time. Subject to the delays which may occur as a result of the prioritization of sites under paragraph (5)(a) for any qualified site, costs for activities described in paragraphs (4)(a)-(e) shall be absorbed at the expense of the fund, without recourse to reimbursement or recovery, with the following exceptions:

1. The provisions of this subsection shall not apply to any site where the department has been denied site access to implement the provisions of this section.

2. The provisions of this subsection shall not be construed to authorize or require reimbursement from the fund for costs expended prior to the beginning of the grace period, except as provided in subsection (12).

3.a. Upon discovery by the department that the owner or operator of a petroleum storage system has been grossly negligent in the maintenance of such petroleum storage system; has, with willful intent to conceal the existence of a serious discharge, falsified inventory or reconciliation records maintained with respect to the site at which such system is located; or has intentionally damaged such petroleum storage system, the site at which such system is located shall be ineligible for participation in the incentive program and the owner shall be liable for all costs due to discharges from petroleum storage systems at that site, any other provisions of chapter 86-159, Laws of Florida, to the contrary notwithstanding. For the purposes of this paragraph, willful failure to maintain inventory and reconciliation records, willful failure to make monthly monitoring system checks where such systems are in place, and failure to meet monitoring and retrofitting requirements within the schedules established under chapter 17-61, Florida Administrative Code, or violation of similar rules adopted by the department of ~~Natural Resources~~ under this chapter, shall be construed to be gross negligence in the maintenance of a petroleum storage system.

b. The department shall redetermine the eligibility of petroleum storage systems for which a timely EDI application was filed, but which were deemed ineligible by the department, under the following conditions:

(I) The owner or operator, on or before March 31, 1991, shall submit, in writing, notification that the storage system is now in compliance with department rules adopted pursuant to s. 376.303, and which requests the department to reevaluate the storage system eligibility; and

(II) The department verifies the storage system compliance based on a compliance inspection.

Provided, however, that a site may be determined eligible by the department for good cause shown, including, but not limited to, demonstration by the owner or

operator that to achieve compliance would cause an increase in the potential for the spread of the contamination.

c. Redetermination of eligibility pursuant to sub-subparagraph b. shall not be available to:

(I) Petroleum storage systems owned or operated by the Federal Government.

(II) Facilities that denied site access to the department.

(III) Facilities where a discharge was intentionally concealed.

(IV) Facilities that were denied eligibility due to:

(A) Absence of contamination, unless any such facility subsequently establishes that contamination did exist at that facility on or before December 31, 1988.

(B) Contamination from substances that were not petroleum or a petroleum product.

(C) Contamination that was not from a petroleum storage system.

d. EDI applicants who demonstrate compliance for a site pursuant to sub-subparagraph b. are eligible for the Early Detection Incentive Program and the Reimbursement Program. Unless the responsible person certifies to the department in writing that he qualifies as a small business under s. 288.703(1), the eligible applicant shall initiate and complete site rehabilitation and seek reimbursement pursuant to subsection (12). The requirements of this sub-subparagraph shall not apply if the responsible person can demonstrate to the department an economic hardship due to the number of sites or the lack of revenue or credit. In such a situation, the department may approve a plan that will require the responsible person to complete some or all of the tasks for the applicable sites. The plan shall include which tasks and sites shall be required to seek reimbursement pursuant to the provisions of subsection (12) and which tasks and sites shall be subject to the provisions of this subsection.

If, in order to avoid prolonged delay, the department in its discretion deems it necessary to expend sums from the fund to cover ineligible sites or costs as set forth in this paragraph, the department may do so and seek recovery and reimbursement therefor in the same manner and in accordance with the same procedures as are established for recovery and reimbursement of sums otherwise owed to or expended from the fund.

Section 302. Subsection (1) of section 376.3072, Florida Statutes, is amended to read:

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

(1) There is hereby created the Florida Petroleum Liability and Restoration Insurance Program to be administered by the department of ~~Environmental Regulation~~. The program shall provide restoration funding assistance to facilities regulated by and in compliance with the department's petroleum storage tank rules. To implement the program, the department may contract with an insurance company, a reinsurance company, or other insurance consultant to issue third-party liability policies that meet the federal financial responsibility requirements of 40 C.F.R. s. 280.97, subpart H.

Section 303. Section 376.3077, Florida Statutes, is amended to read:

376.3077 Unlawful to deposit motor fuel in tank required to be registered, without proof of registration display.—It is unlawful for any owner, operator, or supplier to pump or otherwise deposit any motor fuel into a tank required to be registered under s. 376.303 unless proof of valid registration is displayed on such tank itself or the dispensing or measuring device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located. The department of ~~Environmental Regulation~~ shall enforce the provisions of this section pursuant to this chapter. The department may enter into an interagency agreement with the Department of Agriculture and Consumer Services to enforce the provisions of this section.

Section 304. Subsection (3) of section 376.321, Florida Statutes, is amended to read:

376.321 Definitions.—As used in ss. 376.320-376.326, the term:

(3) "Department" means the Department of Environmental ~~Protection Regulation~~.

Section 305. Subsections (1), (2), and (3) of section 376.40, Florida Statutes, are amended to read:

376.40 Petroleum Exploration and Production Bond Trust Fund; creation; purposes; funding.—

(1) FINDINGS.—The Legislature declares that the financial resources of the state in the form of a bond trust fund, the limits of which are in excess of limits available to most operators, should be available to provide the Department of ~~Environmental Protection Natural Resources~~ the surety for any cleanup and remedial action for operations which are not conducted in a safe and environmentally compatible manner.

(2) INTENT AND PURPOSE.—It is the intent of the Legislature to establish the Petroleum Exploration and Production Bond Trust Fund to serve as a repository for funds which will enable the Department of ~~Environmental Protection Natural Resources~~ to respond without delay to incidents which affect safety or threaten to cause environmental damage or contamination as a result of incidents involving petroleum exploration and production activities and which are not otherwise handled in a timely manner by the operator or permittee. The useful life of facilities used to produce oil and natural gas in the state can be from 15 to 40 years and it is the Legislature's intent that safe and environmentally compatible operations be conducted for the economic life of any well, field, or production facility. It is the further intent of the Legislature that this trust fund make available immediately to the department funds sufficient to correct violations such as an operator's failure to adequately plug, abandon, or restore production sites or other test sites and facilities after operations cease, if the permittee or operator cannot or will not correct the violations within a reasonable time. Furthermore, it is the Legislature's intent that if an amount in excess of the funds on deposit in the trust fund is needed for remedial action, money from the Coastal Protection Trust Fund be made available in the form of a temporary transfer of funds. The temporary transfer shall be repaid as soon as possible after the department obtains penalties, judgments, recoveries, or reimbursements.

(3) CREATION.—There is hereby created the Petroleum Exploration and Production Bond Trust Fund, which shall be administered by the Department of Environmental Protection Natural Resources. This trust fund shall be used by the department as a nonlapsing, revolving fund for carrying out the purposes of this section and s. 377.2425. All fees collected from permittees under ss. 377.2425(1)(b), 377.24(1), and 377.2408(1), and all penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the implementation of this section shall be deposited in the trust fund.

Section 306. Section 376.60, Florida Statutes, is amended to read:

376.60 Asbestos removal program inspection and notification fee.—The Department of Environmental Protection Regulation shall charge an inspection and notification fee, not to exceed \$50 for a residential dwelling, \$300 for a small business as defined in s. 288.703(1), or \$1,000 for any other project, for any asbestos removal project. Public school districts, the state universities, and private schools are exempt from such fees. Any fee collected shall be deposited in the asbestos program account in the Air Pollution Control Trust Fund to be used by the department to administer its asbestos removal program. The department may contract with a local government to conduct asbestos removal programs within the jurisdiction of that local government.

Section 307. Section 377.07, Florida Statutes, is amended to read:

377.07 Division of Resource Management; powers, duties, and authority.—The Division of Resource Management of the Department of Environmental Protection Natural Resources is hereby vested with power, authority and duty to administer, carry out and enforce the provisions of this law as directed in s. 370.02(3).

Section 308. Subsection (1) of section 377.075, Florida Statutes, is amended to read:

377.075 Division of Resource Management; geological functions.—

(1) PERSONNEL.—The Department of Environmental Protection Natural Resources shall, through the Division of Resource Management, establish the Florida Geological Survey and employ such suitable persons as in the judgment of the department may be necessary to conduct the geological survey of the state.

Section 309. Subsection (1) of section 377.19, Florida Statutes, is amended to read:

377.19 Definitions.—Unless the context otherwise requires, the words defined in this section shall have the following meanings when found in ss. 377.06, 377.07, 377.10-377.40:

(1) "Division" means the Division of Resource Management of the Department of Environmental Protection Natural Resources.

Section 310. Subsection (1) of Section 377.22, Florida Statutes, is amended to read:

377.22 Rules, regulations, and orders.—

(1) The department of Natural Resources shall provide, by rules and regulations, for ratable takings in all pools on a reasonable and equitable basis.

Section 311. Subsection (1) of section 377.2408, Florida Statutes, is amended to read:

377.2408 Application to conduct geophysical operations.—

(1) Before any geophysical operation in search of oil, gas, or minerals shall be conducted, the person desiring to conduct such operation shall make application to the department of ~~Natural Resources~~ upon such forms as it may prescribe and shall pay a reasonable fee for processing.

Section 312. Paragraph (a) of subsection (1) of section 377.2425, Florida Statutes, is amended to read:

377.2425 Manner of providing security for geophysical exploration, drilling, and production.—

(1) Prior to granting a permit to conduct geophysical operations; drilling of exploratory, injection, or production wells; producing oil and gas from a wellhead; or transporting oil and gas through a field-gathering system, the department shall require the applicant or operator to provide surety that these operations will be conducted in a safe and environmentally compatible manner.

(a) The applicant for a drilling, production, or injection well permit or a geophysical permit may provide the following types of surety to the department for this purpose:

1. A deposit of cash or other securities made payable to the “Department of ~~Natural Resources~~ Environmental Protection Petroleum Trust Account.” Such cash or securities so deposited shall be held at interest by the Comptroller to satisfy safety and environmental performance provisions of this chapter. The interest shall be credited to the Petroleum Exploration and Production Bond Trust Fund. Such cash or other securities shall be released by the Comptroller upon request of the applicant and certification by the department that all safety and environmental performance provisions established by the department for permitted activities have been fulfilled.

2. A bond of a surety company authorized to do business in the state in an amount as provided by rule.

3. A surety in the form of an irrevocable letter of credit in an amount as provided by rule guaranteed by an acceptable financial institution.

Section 313. Subsection (1) of section 377.28, Florida Statutes, is amended to read:

377.28 Cycling, pooling, and unitization of oil and gas.—

(1) The department of ~~Natural Resources~~ may consider the need for the operation as a unit of an entire field, or of any pool or pools, portion or portions, or combinations thereof within a field, for the production of oil or gas, or both, and other minerals which may be associated and produced therewith, in order to avoid the drilling of unnecessary wells, otherwise to prevent waste, or to increase the ultimate recovery of the unitized minerals by additional recovery methods.

Section 314. Paragraph (k) of subsection (3) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Community Affairs; energy emergency contingency plan; federal and state conservation programs.—

(3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.—The Department of Community Affairs shall, in addition to assuming the duties and responsibilities provided by ss. 20.18 and 377.701, perform the following functions consistent with the development of a state energy policy:

(k) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption in a format mutually agreed upon by the two departments.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection Regulation, the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

Section 315. Subsections (1) and (4) of section 378.032, Florida Statutes, are amended to read:

378.032 Definitions.—As used in ss. 378.032-378.038, the term:

(1) "Approved reclamation program" means a reclamation program which has been approved by the Secretary of Environmental Protection ~~Governor and Cabinet as head of the Department of Natural Resources.~~

(4) "Department" means the Department of Environmental Protection ~~Natural Resources.~~

Section 316. Subsection (1) of section 378.033, Florida Statutes, is amended to read:

378.033 Nonmandatory Land Reclamation Committee; creation; composition.

(1) The Nonmandatory Land Reclamation Committee is created within the department of Natural Resources to serve as an advisory body on matters relating to nonmandatory land reclamation. The committee shall be composed of five members appointed by the Governor and confirmed by the Cabinet. In making the appointments, the Governor shall consider the needs of the program for engineering, fiscal, reclamation, and environmental expertises. Three of the committee members shall be selected respectively from Hamilton County, Polk County, and Hillsborough County.

Section 317. Section 378.034, Florida Statutes, is amended to read:

378.034 Submission of a reclamation program request; procedures.—

(1) The department shall establish by rule procedures for a nonbinding preapplication review to assist a landowner in submitting a reclamation program request.

(2) Landowners shall reclaim all nonmandatory lands which were put into use as clay settling areas after July 1, 1975, and on or before July 1, 1984, under the nonmandatory land reclamation program, pursuant to the provisions of this act. A landowner shall submit a reclamation program application within 180 days after the land ceases to be used as a clay settling area. The requirements of this subsection are expressly contingent upon the availability of sufficient funds in the Nonmandatory Land Reclamation Trust Fund established pursuant to s. 211.3103.

(3)(a) Landowners shall submit reclamation program applications to the department by November 1 of each year for funding consideration during the following year.

(b) Each reclamation program application shall include a timetable for completion of the program and a completion date.

(4) The department staff shall review each reclamation program application to determine whether it complies with the standards and criteria for a reclamation program or for land acquisition and to determine its consistency with the master reclamation plan.

~~(5) For the 1984-1985 year, the department staff shall present to the Governor and Cabinet by July 31, 1984, those reclamation program applications which are deemed complete by the Bureau of Reclamation, which are eligible for Governor and Cabinet approval as of July 1, 1984; and the applicants of which agree to provide reclamation data for a cost model to the Department of Natural Resources, at no cost to the state, with an outside party hired by the applicant with the approval of the department to monitor costs. The department staff shall prioritize the applications in conformity with the criteria in subsection (7). The Governor and Cabinet shall approve the list of reclamation projects, in whole or in part, subject to the requirements of subsections (8), (10), and (11) and ss. 378.035 and 378.037.~~

~~(5)(6)(a) Beginning with funding for the 1985-1986 year, The department staff shall, by February 1 of each year, present to the committee for its consideration those reclamation program applications received by the preceding November 1.~~

~~(b) The department staff shall recommend an order of priority for the reclamation program applications that is consistent with subsection (6) (7).~~

~~(c) The recommendation of the department staff shall include an estimate of the cost of each reclamation program or land acquisition.~~

~~(6)(7) The committee shall recommend approval, modification, or denial of the reclamation program applications, associated cost estimates, and the department staff's recommended prioritized list. Recommendations on the order of priority shall be based, among other criteria, on the following criteria; however, the committee may give greater weight to one or more of the criteria depending on the overall needs of the nonmandatory land reclamation program:~~

(a) Whether health and safety hazards exist; and, if so, such hazards shall be given the greatest weight;

(b) Whether the economic or environmental utility or the aesthetic value of the land will return naturally within a reasonable period of time;

(c) Whether there is a reasonable geographic and applicant diversity in light of previously awarded reclamation contracts, reclamation program applications before the committee, and the remaining eligible lands;

(d) Whether reclamation is in the public interest;

(e) Whether the land has been naturally reclaimed or is eligible for acquisition by the state for hunting, fishing, or other outdoor recreation purposes or for wildlife preservation;

(f) Whether the land is to be reclaimed for agricultural use and the applicant has agreed to maintain the land in agricultural use for at least 5 years after the completion of the reclamation;

(g) Whether the program, alone or in conjunction with other reclamation programs, will provide a substantial regional benefit;

(h) Whether the program, alone or in conjunction with other reclamation programs, will benefit regional drainage patterns;

(i) Whether the land is publicly owned and will be reclaimed for public purposes;

(j) Whether the program includes a donation or agreement to sell a portion of the program application area to the state for outdoor recreational or wildlife habitat protection purposes;

(k) Whether the program is cost-effective in achieving the goals of the non-mandatory land reclamation program; and

(l) Whether the program will reclaim lands described in subsection (2).

~~(7)(8)~~ Until 1995, the funds available for approved reclamation contracts and acquisitions of nonmandatory lands shall not exceed 20 percent of the uncommitted fund balance of the trust fund at the beginning of each year. The prioritized list approved by the committee may contain more reclamation program applications than there are funds available during the year.

~~(8)(9)~~ Each year, 15 percent of the funds available for approved reclamation contracts, as set forth in subsection ~~(7) (8)~~, shall be reserved for reclamation programs which are submitted by applicants other than corporations primarily engaged in the mining or processing of phosphate ores to create lands to be actively used for agricultural activities. In the event that, in any given year, there are insufficient applicants that meet the department criteria for approval to use the funds reserved under this subsection, the remaining moneys may be made available to other applicants.

~~(9)(10)~~ The committee recommendations shall be submitted to the secretary ~~Governor and Cabinet~~ by April 1 of each year for final agency action by June 1 of that year. The secretary ~~Governor and Cabinet~~ shall approve, in whole or in part, the list of reclamation program applications in the order of priority in which the applications are presented.

~~(10)(11)~~ Any approved reclamation program application that was not funded shall, at the request of the applicant, be considered by the committee at its next meeting called for that purpose, together with other reclamation program applications received by November 1 of the next year.

~~(11)(12)(a)~~ After receiving the approval of the ~~secretary~~ Governor and Cabinet, the department shall offer a reclamation contract ~~within 30 days to~~ an each applicant within 30 days after the applicant's whose reclamation program has been approved. The contracts shall be offered to the applicants in their approved order on the priority list to the extent funds are available. Each applicant shall have 30 days in which to execute a reclamation contract. If the contract is not executed within 30 days, the application shall be dropped from the approved list for the current year.

(b) ~~Beginning in 1985,~~ Reclamation contracts may not be signed and available funds may not be committed after June 30 of the year in which a reclamation program application is approved by the ~~secretary~~ Governor and Cabinet.

(c) The amount of reimbursement for reclamation activities allowed in the contract shall be a grant of money equal to the estimated cost of the program as approved by the ~~secretary~~ Governor and Cabinet. In no event, however, shall the grant amount exceed the maximum amounts specified in s. 378.037(1)(b).

(d) After receiving the approval of the Governor and Cabinet, each reclamation program application for the acquisition of land shall be transferred to the Division of State Lands, which shall acquire the lands in compliance with the acquisition procedures of s. 253.025.

~~(12)(13)~~ The department shall require by rule that owners of eligible properties who intend to seek approval of a reclamation program submit, not later than December 31, 1993, a notice of intent to file an application for approval, indicating the date upon which the application will be filed.

Section 318. Subsection (3) of section 378.036, Florida Statutes, is amended to read:

378.036 Land acquisitions financed by Nonmandatory Land Reclamation Trust Fund moneys.—

(3) An amount not to exceed 1 percent of the uncommitted trust fund balance, exclusive of funds available pursuant to ~~s. 378.034(7) s. 378.034(9)~~, at the beginning of the fiscal year may be used by the designated manager of lands acquired by the state pursuant to this section for management purposes and for reclamation of such lands.

Section 319. Section 378.203, Florida Statutes, is amended to read:

378.203 Definitions.—As used in this part:

(1) "Acres mined" means all acres on which mining operations have resulted in extraction of phosphate rock.

~~(2) "Board" means the Governor and Cabinet sitting as the head of the Department of Natural Resources.~~

~~(2)(3)~~ "Conceptual reclamation plan" means a graphic and written description of general activities to be undertaken across the whole mine to comply with the reclamation standards and criteria contained in this part.

~~(3)~~(4) "Department" means the Department of Environmental Protection Natural Resources.

~~(5)~~ "Executive director" means the chief administrative officer of the department.

~~(4)~~(6) "Mine" means an area of land upon which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

~~(5)~~(7) "Mining operations" means those physical activities, other than prospecting and site preparation, which are necessary for extraction, waste disposal, storage, or dam maintenance prior to abandonment.

~~(6)~~(8) "New mine," as used in s. 378.209, means a mine for which the operator first became obligated to pay a severance tax for the extraction of minerals therefrom after July 1, 1975.

~~(7)~~(9) "Operator" means the person engaged, or seeking to be engaged, in the severance of solid minerals, or any other person who is obligated to reclaim mined lands pursuant to s. 211.32(1). For purposes of s. 378.208 relating to financial responsibility, "operator" includes a parent, its subsidiary, or division.

~~(8)~~(10) "Reclamation" means the reshaping of lands in a manner which meets the reclamation criteria and standards contained in this part.

~~(9)~~(11) "Reclamation program" means a detailed graphic and written description of a reclamation plan for a segment of a mine that is consistent with the applicable approved conceptual reclamation plan and that shows with specificity how that segment will be reclaimed to comply with the reclamation criteria and standards contained in this part.

~~(10)~~(12) "Restoration" means the recontouring and revegetation of lands in a manner, consistent with the criteria and standards established pursuant to this part, which will return the type, nature, and function of the ecosystem to the condition in existence prior to mining. In requiring restoration of an area, the department shall recognize technological limitations and economic considerations. For example, restoration shall be considered accomplished when immature trees are used; mature trees are not required to be replanted in areas where mature trees were removed to allow mining.

~~(11)~~(13) "Revegetation" means, in reclaimed areas, a cover of vegetation consistent with the criteria and standards established pursuant to this part and consistent with the landform created and the future land uses. In restored areas, it means a cover of vegetation that is designed to return the restored area to the condition in existence prior to mining.

~~(12)~~ "Secretary" means the Secretary of Environmental Protection.

Section 320. Paragraphs (b) and (c) of subsection (2) of section 378.205, Florida Statutes, are amended to read:

378.205 Administration; powers and duties of the department; agency review responsibility.—

(2)

(b) ~~If, after July 1, 1980, the department of Environmental Regulation or the appropriate water management district has issued a permit for work to be conducted on land which is or will be the subject of a reclamation program, and that permit contains conditions that require reclamation or restoration to be conducted according to certain specifications that are consistent with the standards and criteria adopted pursuant to this part, the department shall accept those requirements as part of its reclamation approval process.~~

(c) ~~By January 1, 1987, The department, the Department of Environmental Regulation, and appropriate water management districts shall maintain enter into memoranda of agreement for the purposes of carrying out the requirements of this subsection.~~

Section 321. Section 378.206, Florida Statutes, is amended to read:

378.206 Authority to approve reclamation.—

(1) The secretary board shall take final agency action on applications for the following:

(a) Conceptual reclamation plans.

(b) Modifications to conceptual reclamation plans that result in significant changes to an approved conceptual reclamation plan.

(c) Any variance requested pursuant to s. 378.212.

(d) Reclamation programs ~~excepted from subsection (2).~~

~~(2) The executive director shall take final agency action on applications for reclamation programs, except:~~

~~(a) Those requiring a modification to an approved conceptual reclamation plan that must be approved by the board.~~

~~(b) If approval of a reclamation program would result in the approval of variance pursuant to s. 378.212.~~

~~(2)(3) By January 1, 1987, The department board shall adopt rules establishing the types of modifications that do not result in significant changes to an approved conceptual reclamation plan on which the secretary executive director shall take final agency action. Consistent with the requirements of subsection (1), the board may by rule delegate to the executive director the authority to take final agency action on other approvals necessary for routine reclamation operations.~~

Section 322. Subsection (4) of section 378.208, Florida Statutes, is amended to read:

378.208 Financial responsibility.—

(4) The amount of financial responsibility shall be established by the secretary executive director and shall not exceed \$4,000 per acre for each reclamation program, adjusted annually by the appropriate inflationary index for construction. The Department of Insurance shall be available to assist the secretary executive director in making this determination. In establishing the amount of financial responsibility, the secretary executive director shall consider:

- (a) The amount and type of reclamation involved.
- (b) The probable cost of proper reclamation.
- (c) Inflation rates.
- (d) Changes in mining operations.

Section 323. Subsections (1) and (4) of section 378.212, Florida Statutes, are amended to read:

378.212 Variances.—

(1) Upon application, the ~~secretary board~~ may grant a variance from the provisions of this part or the rules adopted pursuant thereto. Variances and renewals thereof may be granted for any one of the following reasons:

(a) There is no practicable means known or available to comply with the provisions of this part or the rules adopted pursuant thereto.

(b) Compliance with a particular requirement or requirements from which a variance is sought will necessitate the taking of measures which must be spread over a considerable period of time. A variance granted for this reason shall prescribe a timetable for the taking of the measures required.

(c) To relieve or prevent hardship, including economic hardship, of a kind other than those provided for in paragraphs (a) and (b).

(d) To accommodate specific phosphate mining, processing or chemical plant uses that otherwise would be inconsistent with the requirements of this part.

(e) To provide for an experimental technique that would advance the knowledge of reclamation and restoration methods.

(4) Variances issued pursuant to this section may be for the life of the facility or for such shorter period of time as may be appropriate. Variances issued for a period of 5 years or more shall be reviewed by the ~~secretary board~~ at least every 5 years to ensure that the factors justifying the issuance of the variance have not changed so as to make the variance unnecessary.

Section 324. Section 378.403, Florida Statutes, is amended to read:

378.403 Definitions.—As used in this part:

(1) "Agency" means an official, committee, department, commission, officer, division, authority, bureau, council, board, section, or unit of government within the state, including a county, municipal, or other local or regional entity or special district.

(2) "Department" means ~~the Governor and Cabinet sitting as the head of the Department of Environmental Protection Natural Resources.~~

(3) ~~"Executive director" means the chief administrative officer of the department or his designee.~~

(3)(4) "Existing mine" means any area upon which an operation is being conducted, or has been conducted, on October 1, 1986.

(4)(5) "Extraction" or "resource extraction" means the removal of resources from their location so as to make them suitable for commercial, industrial, or con-

struction use; but does not include excavation solely in aid of onsite farming or onsite construction, nor the process of searching, prospecting, exploring, or investigating for resources by drilling.

(5)(6) "Fuller's earth clay" means clay possessing a high absorptive capacity consisting largely of montmorillonite or palygorskite. Fuller's earth clay includes attapulgite.

(6)(7) "Heavy minerals" means those resources found in conjunction with sand deposits which have a specific gravity of not less than 2.8, and includes an admixture of such resources as zircon, staurolite, and titanium minerals as generally mined in this state.

(7)(8) "Limestone" means any extracted material composed principally of calcium or magnesium carbonate.

(8)(9) "Local government" means any county or municipality.

(9)(10) "Mine" means an area of land upon which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

(10)(11) "New mine" means any mine that is not an existing mine.

(11)(12) "Operation" means any activity, other than prospecting, necessary for site preparation, extraction, waste disposal, storage, or reclamation.

(12)(13) "Operator" means any person engaged in an operation.

(13)(14) "Overburden" means soil and rock removed to gain access to the resource in the process of extraction and means such soil or rock before or after its removal.

(14)(15) "Reclamation" means the reasonable rehabilitation of land where resource extraction has occurred.

(15)(16) "Resource" means soil, clay, peat, stone, gravel, sand, limerock, metallic ore, or any other solid substance of commercial value found in natural deposits on or in the earth, except phosphate, which is regulated by part III.

(16) "Secretary" means the Secretary of Environmental Protection.

(17) "Wetlands" means any area having dominant vegetation as defined and listed in Department of Environmental Regulation rule 17-4.022, Florida Administrative Code, regardless of whether the area is within the Department of Environmental Regulation's jurisdiction or whether the water bodies are connected.

Section 325. Section 378.404, Florida Statutes, is amended to read:

378.404 Department of ~~Environmental Protection~~ Natural Resources; powers and duties.—The department shall have the following powers and duties:

(1) To adopt, ~~by January 1, 1987,~~ procedural rules to implement this part.

(2) To prescribe the form, content, and necessary supporting documentation for notices of intent to mine.

(3) To receive notices of intent to mine and operators' conceptual reclamation plans in order to determine the completeness and sufficiency thereof.

(4) To develop rules to receive and approve reclamation program applications when specifically authorized, for the detailed evaluation of reclamation units within conceptual mine plans.

(5) To prescribe the means for inspecting reclamation operations.

(6) To issue orders requiring an operator to take such actions as are necessary to comply with this part and rules adopted hereunder, and to issue orders modifying prior orders.

(7) To enter on and inspect the mine site at reasonable times and intervals pursuant to s. 378.407.

(8) To ensure that reclamation will be consistent with the provisions of this part and the performance standards and criteria provided by this part, and will be consistent with other statutes and local ordinances pertaining to reclamation.

Section 326. Subsection (1) of section 378.405, Florida Statutes, is amended to read:

378.405 Reclamation review procedure.—

(1) All agency reviews conducted under this part are subject to the provisions of this section. Within 30 days after receipt of an operator's conceptual reclamation plan, the department, the ~~secretary~~ ~~executive director~~ or the affected agency shall review the plan and shall request submittal of all additional information the agency is permitted by law to require. If the applicant believes any agency request for additional information is not authorized by law or agency rule, the applicant may request a hearing pursuant to s. 120.57. Within 30 days after receipt of such additional information, the agency shall review it and may request only such information needed to clarify such additional information.

Section 327. Paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 378.406, Florida Statutes, are amended to read:

378.406 Confidentiality of records; availability of information.—

(1)(a) Any information relating to prospecting, rock grades, or secret processes or methods of operation which may be required, ascertained, or discovered by inspection or investigation shall be exempt from the provisions of s. 119.07(1), shall not be disclosed in public hearings, and shall be kept confidential by any member, officer, or employee of the department, if the applicant requests the department to keep such information confidential and informs the department of the basis for such confidentiality. Should the ~~secretary~~ ~~executive director~~ determine that such information requested to be kept confidential shall not be kept confidential, he shall provide the operator with not less than 30 days' notice of his intent to release the information. When making his determination, the ~~secretary~~ ~~executive director~~ shall consider the public purposes specified in s. 119.14(4)(b). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(2)

(b) The ~~secretary~~ ~~executive director~~ may charge a fee to cover the actual cost of duplicating the information filed or submitted pursuant to this part. "Actual cost of duplicating" means the cost of material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication.

Section 328. Subsection (3) of section 378.407, Florida Statutes, is amended to read:

378.407 Inspection.—

(3)(a) Upon completion of reclamation of an area, the operator shall notify the ~~secretary executive director~~. The ~~secretary executive director~~ may make an inspection of the area, and if he finds that reclamation has been properly completed, he shall notify the operator in writing and release him from further obligations regarding that land.

(b) If upon the receipt of the notification the ~~secretary executive director~~ determines that an inspection will not be conducted within an operating year, the operator shall be released from the reclamation requirements upon the completion of the second operating year.

Section 329. Section 378.408, Florida Statutes, is amended to read:

378.408 Injunctive relief.—The ~~secretary executive director~~ may institute civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the requirements of this part.

Section 330. Subsection (2) of section 378.409, Florida Statutes, is amended to read:

378.409 Civil liability.—

(2) In assessing damages for animal, plant, or aquatic life, the value shall be determined in accordance with the tables of values established by ~~the Department of Environmental Regulation~~, the Game and Fresh Water Fish Commission, and the department.

Section 331. Section 378.411, Florida Statutes, is amended to read:

378.411 Certification to receive notices of intent to mine, to review and to inspect for compliance.—

(1) By petition to the ~~secretary executive director~~, a local government or the Department of Transportation may request certification to receive notices of intent to mine, to review, and to conduct compliance inspections.

(2) In deciding whether to grant certification to a local government, the ~~secretary executive director~~ shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local government comprehensive plan.

(b) The local government has adequate review procedures and the financial and staffing resources necessary to assume responsibility for adequate review and inspection.

(c) The local government has a record of effectively reviewing, inspecting, and enforcing compliance with local ordinances and state laws.

(3) In deciding whether to grant certification to the Department of Transportation, the ~~secretary executive director~~ shall request all information necessary to determine the capability of ~~the such Department of Transportation~~ to meet the requirements of this part.

(4) In making his determination, the ~~secretary executive director~~ shall consult with the Department of Community Affairs, the Department of Environmental Regulation, the appropriate regional planning council, and the appropriate water management district.

(5) The ~~secretary executive director~~ shall evaluate the performance of a local government or the Department of Transportation on a regular basis to ensure compliance with this section. All or part of the certification may be rescinded if the ~~secretary executive director~~ determines that the certification is not being carried out pursuant to the requirements of this part.

(6) The department shall establish the certification procedure by rule.

Section 332. Subsections (1) and (4) of section 378.501, Florida Statutes, are amended to read:

378.501 Limestone; notice of intent to mine required.—

(1) ~~After January 1, 1987,~~ No operator may begin the process of limestone resource extraction at a new mine without notifying the ~~secretary executive director~~ of the intention to mine.

(4) The ~~secretary executive director~~ shall notify the operator as to the sufficiency of the notice of intent to mine. The review of such notice shall be accomplished in accordance with the provisions of s. 378.405.

Section 333. Section 378.502, Florida Statutes, is amended to read:

378.502 Existing mines.—After January 1, 1989, all operators of existing mines for limestone resource extraction shall meet the reclamation performance standards provided by s. 378.503 for any new surface area disturbed at such mines. The operator shall provide the ~~department executive director~~ with a documented list of all existing mines subject to the provisions of this section.

Section 334. Subsection (3) and paragraphs (d) and (e) of subsection (7) of section 378.503, Florida Statutes, are amended to read:

378.503 Limestone reclamation performance standards.—

(3) Reclamation shall achieve the stormwater, drainage, wetlands, and other surface and ground water management requirements of the Department of Environmental ~~Protection Regulation~~ and the appropriate water management district.

(7) Resource extraction which results in a water body shall provide one of the following shoreline treatments:

(d) Slope requirements of the U.S. Army Corps of Engineers or the Department of Environmental Regulation under the Warren S. Henderson Wetlands Protection Act of 1984.

(e) The ~~secretary executive director~~ may allow other shoreline treatments to achieve appropriate safety and environmental considerations.

Section 335. Paragraph (h) of subsection (4) of section 378.601, Florida Statutes, is amended to read:

378.601 Heavy minerals.—

(4) Reclamation standards applicable to this section shall be adopted by rule by the department. The intent shall be that these regulations shall be no more stringent than those standards currently in place for the heavy mineral mining. The department shall consider the following criteria in its regulations:

(h) Exceptions to the criteria contained in this section may be granted by the secretary executive director for experimental or innovative techniques.

Section 336. Subsections (1), (4), and (5) of section 378.701, Florida Statutes, are amended to read:

378.701 Fuller's earth clay; notice of intent to mine required.—

(1) ~~After January 1, 1987,~~ No fuller's earth clay operator may begin the process of resource extraction at a new mine without notifying the secretary executive director of the intention to mine.

(4) The secretary executive director shall notify the operator as to the sufficiency of the notice of intent to mine. The review of such notice shall be accomplished in accordance with the provisions of s. 378.405.

(5) The secretary executive director shall approve, modify, or reject the operator's conceptual reclamation plan.

Section 337. Subsection (11) of section 378.703, Florida Statutes, is amended to read:

378.703 Fuller's earth clay reclamation performance standards.—

(11) Exceptions to the criteria and standards contained in this section may be granted by the secretary executive director for experimental or innovative techniques.

Section 338. Subsection (1) of section 378.801, Florida Statutes, is amended to read:

378.801 Other resources; notice of intent to mine required.—

(1) ~~After January 1, 1987,~~ No operator may begin the process of extracting clay, peat, gravel, sand, or any other solid substance of commercial value found in natural deposits or in the earth, except fuller's earth clay, heavy minerals, limestone, or phosphate, which are regulated elsewhere in this chapter, at a new mine without notifying the secretary executive director of the intention to mine.

Section 339. Subsection (1) of section 378.803, Florida Statutes, is amended to read:

378.803 Other resources reclamation performance standards.—

(1) Reclamation shall achieve the stormwater, drainage, wetlands, and other surface and groundwater requirements of the Department of Environmental Protection Regulation and the appropriate water management district.

Section 340. Subsection (22) of section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(22) All state agencies with rulemaking authority for programs that affect a designated area of critical state concern shall review those programs for consisten-

cy with the purpose of the designation and principles for guiding development, and shall adopt specific permitting standards and criteria applicable in the designated area, or otherwise amend the program, as necessary to further the purpose of the designation.

(a)1. Within 6 months after the effective date of the rule or statute that designates an area of critical state concern, and at any time thereafter as directed by the Administration Commission, the ~~Department~~ ~~Departments~~ of Environmental Protection, the ~~Department of Regulation, Natural Resources, and Health and Rehabilitative Services~~, the water management districts with jurisdiction over any portion of the area of critical state concern, and any other state agency specified in the designation rule, shall each submit a report to the Administration Commission, and a copy of the report to the state land planning agency. The report shall evaluate the effect of the reporting agency's programs upon the purpose of the designation.

2. If different permitting standards or criteria, or other changes to the program, are necessary in order to further the purpose of the designation, the report shall recommend rules which further that purpose and which are consistent with the principles for guiding development. The report shall explain and justify the reasons for any different permitting standards or criteria that may be recommended. The commission shall reject the agency's recommendation, or accept it with or without modification and direct the agency to adopt rules, including any changes. Any rule adopted pursuant to this paragraph shall be consistent with the principles for guiding development, and shall apply only within the boundary of the designated area. The agency shall file a copy of the adopted rule with the Administration Commission and the state land planning agency.

3. If statutory changes are required in order to implement the permitting standards or criteria that are necessary to further the purpose of the designation, the report shall recommend statutory amendments. The Administration Commission shall submit any report that recommends statutory amendments to the President of the Senate and the Speaker of the House of Representatives, together with the Administration Commission's recommendation on the proposed amendments.

(b) Within 6 months after the effective date of this section, the following agencies shall prepare reports as described in paragraph (a) for existing areas of critical state concern:

1. For the Big Cypress Area, the ~~Department of Environmental Protection~~ ~~Departments of Environmental Regulation and Natural Resources~~, and the South Florida Water Management District.

2. For the Green Swamp Area, the ~~Department~~ ~~Departments~~ of Environmental Protection, the ~~Department of Regulation, Natural Resources, and Health and Rehabilitative Services~~, and the Southwest Florida and St. Johns River Water Management Districts.

3. For the Florida Keys Area, the ~~Department~~ ~~Departments~~ of Environmental Protection, the ~~Department of Regulation, Natural Resources, Transportation, the Department of and Health and Rehabilitative Services~~, the Game and Fresh Water Fish Commission, and the South Florida Water Management District.

4. For the City of Key West Area, the ~~Department~~ ~~Departments~~ of Environmental Protection, the ~~Department of Regulation, Natural Resources, Transporta-~~

tion, the ~~Department of~~ Health and Rehabilitative Services, and the South Florida Water Management District.

5. For the Apalachicola Bay Area, the ~~Department~~ ~~Departments~~ of Environmental ~~Protection~~, the ~~Department of~~ ~~Regulation, Natural Resources~~, Commerce, the ~~Department of~~ Health and Rehabilitative Services, and the Northwest Florida Water Management District.

6. For each of the areas listed in subparagraphs 1.-5., the department shall prepare, for inclusion in the reports, the background and reasons for the designation and the progress made in meeting the goals of the designation.

(c) The Administration Commission may adopt rules to implement this subsection.

Section 341. Paragraph (b) of subsection (2) of section 380.051, Florida Statutes, is amended to read:

380.051 Coordinated agency review; Florida Keys area.—

(2)

(b) ~~By April 1, 1987, The Department of Environmental~~ ~~Protection~~ ~~Regulation~~, the ~~Department of~~ ~~Natural Resources~~, the Department of Health and Rehabilitative Services, and other state and regional agencies that require permits in the Florida Keys area of critical state concern shall establish, by rule, a set of procedures necessary for coordinated agency review created pursuant to this section. Such procedures shall be consistent with the procedures developed pursuant to paragraph (a).

Section 342. Subsections (5), (6), (7), and (10) of section 380.055, Florida Statutes, are amended to read:

380.055 Big Cypress Area.—

(5) ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE.—

(a) It is the intent of the Legislature to provide the means to accomplish an agreement between the State of Florida and the Government of the United States, whereby the state will contribute toward the cost of a program of acquisition of land and water areas and related rights and interests within the area proposed as the Federal Big Cypress National Preserve, Florida. It is the intent of the Legislature that the ~~Board of Trustees of the Internal Improvement Trust Fund~~ ~~Governor and Cabinet~~ begin immediately an acquisition program within the area proposed as the Federal Big Cypress National Preserve, Florida, on behalf of the state pending action by the Government of the United States in the Big Cypress Area.

(b) The ~~Board of Trustees of the Internal Improvement Trust Fund~~ ~~Governor and Cabinet~~ shall set aside from the proceeds of the full faith and credit bonds authorized by the Land Conservation Act of 1972, or from other funds authorized, appropriated, or allocated for the acquisition of environmentally endangered lands, or from both sources, \$40 million for acquisition of the area proposed as the Federal Big Cypress National Preserve, Florida, or portions thereof.

(c) The ~~Board of Trustees of the Internal Improvement Trust Fund~~ ~~is~~ ~~Governor and Cabinet~~ ~~are~~ empowered to acquire land and water areas within the Federal Big Cypress National Preserve, Florida, created by Pub. L. No. 93-440, in order to

conserve and protect the natural resources and scenic beauty therein and to donate and convey title in land and water areas so acquired or currently owned by the state to the Government of the United States or its agency upon the expenditure by the United States of an amount of federal funds at least equal to the acquisition cost of the land and water areas donated by the state. The intent of this condition for the donation of land and water areas by the state is to ensure that the investment of federal funds in the acquisition of land and water areas for the Big Cypress National Preserve will be not less than the investment of state funds in the land and water areas so donated. In making such acquisitions, the Board of Trustees of the Internal Improvement Trust Fund ~~Governor and Cabinet~~ shall give priority to those land and water areas within the area proposed as the Federal Big Cypress National Preserve, Florida, which are essential to the integrity of the environment, the destruction of which would cause irreparable damage to the Everglades National Park, the estuarine fisheries of South Florida, or the underlying freshwater aquifer.

(6) **FUNCTION OF WATER MANAGEMENT DISTRICT.**—It is the finding of the Legislature that the Big Cypress Area, as a water storage and recharge area, is an integral part of the water resources of any water management district of which the Big Cypress Area is or may be a part. It is the legislative intent that there be close cooperation and coordination of efforts between the water management district and the Department of Environmental Protection ~~Natural Resources~~ in carrying out the intent and purposes of this section. The ~~secretary is~~ Governor and Cabinet ~~as head of the Department of Natural Resources~~ are authorized to delegate to the water management district, or to a board therein, any power authorized in this section to be exercised by the department, and the district or basin is authorized to accept the powers delegated to it and shall have the power and duty to carry out the intent and purposes of this section to the fullest extent possible within its capabilities and resources.

(7) **EMINENT DOMAIN WITHIN BIG CYPRESS AREA AND BIG CYPRESS NATIONAL PRESERVE ADDITION.**—The Board of Trustees of the Internal Improvement Trust Fund ~~is~~ Governor and Cabinet ~~as the head of the Department of Natural Resources~~ are empowered and authorized to acquire by the exercise of the power of eminent domain any land or water areas and related resources and property, and any and all rights, title, and interest in such land or water areas and related resources and other property, lying within the boundaries of the Big Cypress Area and Big Cypress National Preserve Addition. The Legislature finds that the exercise of the power of eminent domain within the Big Cypress Area and Big Cypress National Preserve Addition to accomplish the purposes of this section is necessary and for a public purpose.

(10) **ACQUISITION OF BIG CYPRESS NATIONAL PRESERVE AND ADDITION BY ALTERNATE METHODS.**—For purposes of acquisition in the Big Cypress Area and Big Cypress National Preserve Addition, the acquisition procedures provided in chapter 337 may be utilized in lieu of chapter 253 where appropriate. The Board of Governor and Cabinet, ~~as~~ Trustees of the Internal Improvement Trust Fund ~~is,~~ ~~are~~ authorized to enter into an interagency agreement with the Department of Transportation wherein the Department of Transportation may acquire lands in the Big Cypress Area and Big Cypress National Preserve Addition on behalf of the board of trustees ~~Governor and Cabinet~~ and be reimbursed therefor in a share proportionate to the value of the interest acquired. Such ac-

quired property shall be titled in the name of the Board of Trustees of the Internal Improvement Trust Fund, except that the Department of Transportation shall retain title to that portion of the property needed for highway right-of-way.

Section 343. Paragraph (f) of subsection (7) and subsection (12) of section 380.0555, Florida Statutes, are amended to read:

380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.—

(7) **RESOURCE PLANNING AND MANAGEMENT COMMITTEE.**—The Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the Apalachicola Bay Area, with the membership as specified in s. 380.045(2). Members of the committee shall be appointed for 2-year terms and may be reappointed. Meetings will be called as needed by the chairman or on the demand of three or more members of the committee. The committee shall continue in existence until 12 months after the Administration Commission removes the designation as an area of critical state concern. The committee shall:

(f) Review, at a minimum, all reports and other materials provided to it by the state land planning agency or the Department of Environmental Protection Regulation.

(12) **GRANTS TO APPLICANTS TO FINANCE SEWERAGE IMPROVEMENTS; APALACHICOLA BAY PROTECTION TRUST FUND.**—The applicants for grants from the Department of Environmental Protection Regulation to finance sewerage improvements for Apalachicola, Carrabelle, and the Eastpoint Water and Sewer District, herein referred to as applicants, shall not be required to submit planning or design documents prior to any grant award ~~or prior to September 30, 1985~~, nor shall the applicants be required to establish a capital improvement account. The funds from any appropriation are to be held, together with any state or federal grant funds, to implement sewerage projects, subject to the requirements of chapter 17, Florida Administrative Code. Such funds shall be deposited into a trust fund, to be known as the Apalachicola Bay Protection Trust Fund, which is hereby created, until the Department of Environmental Protection Regulation determines that an applicant otherwise entitled to the funds has met all the ~~department's~~ ~~Department of Environmental Regulation's~~ requirements. Interest from moneys in the trust fund shall be deposited into the Water Pollution Control Trust Fund.

Section 344. Paragraph (a) of subsection (3), subsections (4) and (5), and paragraph (b) of subsection (6) of section 380.0558, Florida Statutes, are amended to read:

380.0558 Florida Area of Critical State Concern Restoration Trust Fund.—

(3) **FINDINGS.**—

(a) The Legislature finds that the coral reefs and natural resources within areas of critical state concern are subject to instantaneous injury or loss from a variety of negligent and willful acts, in ways that cannot be foreseen and provided for in the normal budget process. As a consequence of the unforeseeability of such incidents, no funds have been available for reimbursement of extraordinary expenses incurred by the Department of Environmental Protection Natural Resources in

seeking compensation, on behalf of the residents of the state, for such injury or destruction of these natural resources. The protection of the state's natural resources in areas of critical state concern is found to be especially important.

(4) **PURPOSES.**—It is the purpose of this section to establish a fund for the reimbursement of actual costs incurred by the Department of Environmental Protection Natural Resources in obtaining payment of damages for injury to, or destruction of, the coral reefs and other natural resources of this state and to designate that damages in excess of such reimbursed costs be dedicated to the research, protection, restoration, or rehabilitation of, or substitution for, the coral reefs and other natural resources injured or destroyed.

(5) **CREATION OF TRUST FUND.**—All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs or natural resources of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the Florida Area of Critical State Concern Restoration Trust Fund which is hereby created in the Department of Environmental Protection Natural Resources, and shall remain in such account until expended by the department for the purposes of this section.

(6) **TRUST FUND EXPENDITURES.**—

(b) Moneys in the fund shall be expended only for the following purposes:

1. To provide funds for the Department of Environmental Protection Natural Resources for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs and other natural resources, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages after approval of such advances by the Board of Trustees of the Internal Improvement Trust Fund.

2. To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

3. To pay for alternative projects selected by the Board of Trustees of the Internal Improvement Trust Fund. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

Section 345. Paragraph (e) of subsection (4), paragraph (b) of subsection (9), paragraph (b) of subsection (12), and paragraph (d) of subsection (19) of section 380.06, Florida Statutes, are amended to read:

380.06 **Developments of regional impact.**—

(4) **BINDING LETTER.**—

(e) In determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would divest such rights, the state land planning agency shall review the proposed change within the context of:

1. Criteria specified in paragraph (19)(b);

2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;
3. All rights and obligations arising out of the vested status of such development;
4. Permit conditions or requirements imposed by the Department of Environmental ~~Protection Regulation, the Department of Natural Resources,~~ or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and
5. Any regional impacts arising from the proposed change.

(9) CONCEPTUAL AGENCY REVIEW.—

(b) ~~By July 1, 1986,~~ The Department of Environmental ~~Protection Regulation,~~ each water management district, and ~~each~~ other state or regional ~~agency agencies~~ that ~~requires require~~ construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their respective regulatory jurisdictions:

1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.
2. Dredging and filling activities.
3. The management and storage of surface waters.
4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph 3.

Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.

(12) REGIONAL REPORTS.—

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental ~~Protection Regulation~~ permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(19) SUBSTANTIAL DEVIATIONS.—

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental ~~Protection Regulation, the Department of Natural Resources,~~ or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

Section 346. Subsection (3) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment to donate the fee or a lesser interest sufficient to protect in perpetuity the natural attributes of the types of land listed below. In lieu of the above requirement, the developer may enter into a binding commitment which runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for the purpose of passive recreation that is consistent with the purposes for which the land was preserved.

a. Wetlands and water bodies within the jurisdiction of the Department of Environmental ~~Protection Regulation~~ pursuant to s. 403.8171. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities to the extent that such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental ~~Protection Regulation~~ which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.

d. Areas known to be important to animal species designated as endangered or threatened animal species by the United States Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.

e. Areas known to contain plant species designated as endangered plant species by the Department of Agriculture and Consumer Services.

2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental ~~Protection Regulation~~ or the Department of Agriculture and Consumer Services. This subparagraph is not intended to apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as activities in those waters are permitted pursuant to s. 403.813(2) and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, Xeriscape as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, will be available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved regional comprehensive plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.

7. Design and construct the development in a manner that is consistent with the adopted state plan, the state land development plan, the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.

(b) In addition to the foregoing requirements, the developer shall plan and design his development in a manner which includes the needs of the people in this state as identified in the state comprehensive plan and the quality of life of the people who will live and work in or near the development. The developer is encouraged to plan and design his development in an innovative manner. These planning and design features may include, but are not limited to, such things as affordable housing, care for the elderly, urban renewal or redevelopment, mass transit, the protection and preservation of wetlands outside the jurisdiction of the Department of Environmental ~~Protection Regulation~~ or of uplands as wildlife habitat, provision for the recycling of solid waste, provision for onsite child care, enhancement of emergency management capabilities, the preservation of areas known to be primary habitat for significant populations of species of special concern designated by the Florida Game and Fresh Water Fish Commission, or community economic development. These additional amenities will be considered in determining whether the development qualifies for designation under this program.

Section 347. Paragraph (e) of subsection (3) and paragraph (a) of subsection (4) 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:

(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 400 watercraft used exclusively for sport, pleasure, or commercial fishing with all necessary approvals pursuant to chapters 253, 373, and 403 and located outside Outstanding Florida Waters and Class II waters; or

d. 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.

e. 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, in order for any exception from requirements for development-of-regional-impact review to apply to a particular waterport or marina development, the Department of Environmental Protection Natural Resources must determine through the issuance of an order that the marina 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. Any Department of Environmental Protection Natural Resources order 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-paragraphs 1.a. and 1.b. and subparagraph 2.

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

- 1.a. The same person has retained or shared control of the developments;
 - b. The same person has ownership or a significant legal or equitable interest in the developments; or
 - c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.
2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.
 3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general purpose government, water management district, the Florida Department of Environmental ~~Protection Regulation, the Florida Department of Natural Resources~~; or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.
 4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general purpose government, water management district, the Florida Department of Environmental ~~Protection Regulation, the Florida Department of Natural Resources~~, the Division of Florida Land Sales, Condominiums, and Mobile Homes, or the Public Service Commission.
 5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 348. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of ~~Environmental Protection Natural Resources~~ shall impose and collect a surcharge of 50 cents per person per day, or \$5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of \$2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of ~~Environmental Protection Natural Resources~~ that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of ~~Environmental Protection Natural Resources~~ for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from

which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be transmitted to that municipality. The surcharges levied under this section shall remain imposed as long as the land authority is in existence.

Section 349. Subsection (2) of section 380.33, Florida Statutes, is amended to read:

380.33 Meetings, organization, and staff.—

(2) The Secretary of Community Affairs shall serve as the chairperson of the interagency management committee, and the Secretary of Environmental Protection Regulation shall serve as the vice chairperson.

Section 350. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within the Department of Community Affairs a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the "Florida Communities Trust." The governing body of the trust shall consist of:

(a) The Secretary of Community Affairs and the Secretary executive director of Environmental Protection the Department of Natural Resources; and

(b) Three public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former elected official of a local government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. The Secretary of Community Affairs may designate his assistant secretary or the director of the Division of Resource Planning and Management to serve in his absence. The Secretary executive director of Environmental Protection the Department of Natural Resources may appoint his assistant executive director, the deputy assistant director for Land Resources, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his absence. The Secretary of Community Affairs shall be the chairman of the governing body of the trust. The Governor shall make his appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.

Section 351. Paragraph (c) of subsection (3) of section 381.006, Florida Statutes, is amended to read:

381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

(3) A toxicology and hazard assessment function which shall conduct toxicological and human health risk assessments of exposure to toxic agents, for the purposes of:

(c) Consultation and technical assistance to the Department of Environmental ~~Protection Regulation~~ and other governmental agencies on actions necessary to ameliorate exposure to toxic agents, including the emergency provision by the Department of Environmental ~~Protection Regulation~~ of drinking water in cases of drinking water contamination that present an imminent and substantial threat to the public's health, as required by s. 376.30(3)(c)1.a.

The department may adopt rules to carry out the provisions of this section.

Section 352. Paragraph (a) of subsection (2), paragraph (1) of subsection (3), and paragraph (g) of subsection (4) of section 381.0065, Florida Statutes, are amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

(a) "Available publicly owned or investor-owned sewerage system" means a publicly owned or investor-owned sewerage system that is capable of being connected to the plumbing of an establishment or residence so long as:

1. The sewerage system is not under a Department of Environmental ~~Protection Regulation~~ moratorium;
2. The sewerage system has adequate permitted capacity to accept the sewage to be generated by the establishment or residence;
3. For a single-family residence, or for an establishment that has an estimated sewage flow of 1,000 gallons per day or less, a sewer line exists in a public easement or right-of-way that abuts the property of the establishment or residence and gravity flow can be naturally or artificially maintained from the establishment's or residence's drain to the sewer line;
4. For estimated sewage flows exceeding 1,000 gallons per day, with the exception of a single-family residence, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment and is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements; and
5. For areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way, and, for repair or modification of these areas, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as accessed via existing rights-of-way or easements.

(3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—The department shall:

(1) Regulate septage-stabilization and disposal facilities not regulated by the Department of Environmental ~~Protection Regulation~~.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the Department of Health and Rehabilitative Services. The department may issue permits to carry out this section. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit is valid for 1 year from the date of issuance and must be renewed annually. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements.

(g)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. There is no fee associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

- a. The hardship was not caused intentionally by the action of the applicant;
- b. No reasonable alternative exists for the treatment of the sewage; and
- c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The board consists of the following:

- a. The Assistant Health Officer for Environmental Health of the Department of Health and Rehabilitative Services or his designee.

- b. A representative from the county public health units.
- c. A representative from the home building industry.
- d. A representative from the septic tank industry.
- e. A representative from the Department of Environmental Protection Regulation.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration but may be reimbursed for per diem and travel expenses as provided in s. 112.061.

Section 353. Subsection (1) of section 381.0098, Florida Statutes, is amended to read:

381.0098 Biomedical waste.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to protect the public health by establishing standards for the safe packaging, storage, treatment, and disposal of biomedical waste. The Department of Health and Rehabilitative Services shall regulate the packaging, storage, and treatment of biomedical waste which occurs at facilities where biomedical waste is generated. The Department of Environmental Protection Regulation shall regulate biomedical waste from the point at which the waste is transported from the facility where it was generated. The Department of Environmental Protection Regulation shall also regulate onsite and offsite incineration of biomedical waste and its offsite transport, storage, treatment, or disposal. An interagency agreement between the Department of Environmental Protection Regulation and the Department of Health and Rehabilitative Services shall be developed to ensure maximum efficiency in coordinating, administering, and regulating biomedical wastes.

Section 354. Section 388.45, Florida Statutes, is amended to read:

388.45 Threat to public health; emergency declarations.—The State Health Officer has the authority to declare that a threat to public health exists when the Department of Health and Rehabilitative Services discovers in the human or surrogate population the occurrence of an infectious disease that can be transmitted from arthropods to humans. The State Health Officer must immediately notify the Commissioner of Agriculture of the declaration of this threat to public health. The Commissioner of Agriculture is authorized to issue an emergency declaration based on the State Health Officer's declaration of a threat to the public health or based on other threats to animal health. Each declaration must contain the geographical boundaries and the duration of the declaration. The State Health Officer shall order such human medical preventive treatment and the Commissioner of Agriculture shall order such ameliorative arthropod control measures as are necessary to prevent the spread of disease, notwithstanding contrary provisions of this chapter or the rules adopted under this chapter. Within 24 hours after a declaration of a threat to the public health, the State Health Officer must also notify the agency heads of the Department of Natural Resources, the Department of Environmental Protection Regulation, and the Game and Fresh Water Fish Commission of the declaration. Within 24 hours after an emergency declaration based on the public health declaration or based on other threats to animal health, the Commissioner of Agriculture must notify the agency heads of the Department of Natural Re-

sources; the Department of Environmental ~~Protection Regulation~~, and the Game and Fresh Water Fish Commission of the declaration. Within 24 hours after an emergency declaration based on other threats to animal health, the Commissioner of Agriculture must also notify the agency head of the Department of Health and Rehabilitative Services of the declaration.

Section 355. Subsection (2) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(2) "Department" means is the Department of Environmental Protection Regulation.

Section 356. Subsection (14) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(14) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution and provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(a) Notwithstanding any other provision of this chapter, the department of ~~Environmental Regulation~~ may authorize, by rule, the Department of Transportation to perform any activity requiring a permit from the department of ~~Environmental Regulation~~ covered by this chapter, upon certification by the Department of Transportation that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as such statute, rule, or standard applies to a governmental program. To this end, the department of ~~Environmental Regulation~~ may accept such certification of compliance for programs of the Department of Transportation, may conduct investigations for compliance, and, if a violation is found to exist, may take all necessary enforcement action pertaining thereto, including, but not limited to, the revocation of certification. The authorization shall be by rule of the department of ~~Environmental Regulation~~, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the Department of Transportation with specific guidelines or requirements which are set forth in the formal acceptance and deemed necessary by the department of ~~Environmental Regulation~~ to assure future compliance with this chapter and applicable department rules. The failure of the Department of Transportation to comply with any provision of the written acceptance shall constitute grounds for its revocation by the department of ~~Environmental Regulation~~.

(b) The provisions of chapter 120 shall be accorded any person when substantial interests will be affected by an activity proposed to be conducted by the Department of Transportation pursuant to its certification and the acceptance of the department of ~~Environmental Regulation~~. If a proceeding is conducted pursuant to s. 120.57, the department of ~~Environmental Regulation~~ may intervene as a par-

ty. Should a hearing officer of the Division of Administrative Hearings of the Department of Management Services submit a recommended order pursuant to s. 120.57, the department of ~~Environmental Regulation~~ shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

Section 357. Subsection (2) of section 403.0615, Florida Statutes, as amended by section 25 of chapter 93-120, Laws of Florida, is amended to read:

403.0615 Water resources restoration and preservation.—

(2) The department of ~~Environmental Regulation~~ shall establish a program to assist in the restoration and preservation of bodies of water and to enhance existing public access when deemed necessary for the enhancement of the restoration effort. This program shall be funded from the General Revenue Fund, from funds available from the Pollution Recovery Fund, and from available federal moneys.

Section 358. Section 403.0625, Florida Statutes, is amended to read:

403.0625 Environmental laboratory certification; water quality tests conducted by a certified laboratory.—

(1) To assure the acceptable quality, reliability, and validity of testing results, the department and the Department of Health and Rehabilitative Services shall jointly establish criteria for certification of laboratories that perform analyses of environmental water quality samples which are not covered by the provisions in s. 403.863 and that wish to be certified. The Department of Health and Rehabilitative Services shall have the responsibility for the operation and implementation of such laboratory certification. The Department of Health and Rehabilitative Services may charge and collect fees for the certification of such laboratories. The fee schedule shall be based on the number of analytical functions for which certification is sought. Such fees shall be sufficient to meet the costs incurred by the Department of Health and Rehabilitative Services in administering this program in coordination with the department of ~~Environmental Regulation~~. All fees collected pursuant to this section shall be deposited in a trust fund to be administered by the Department of Health and Rehabilitative Services and shall be used only for the purposes of this section.

(2) An environmental water quality test to determine the quality of the effluent of a domestic wastewater facility must be conducted by a laboratory certified under this section if such test results are to be submitted to the department of ~~Environmental Regulation~~ or a local pollution control program pursuant to s. 403.182.

Section 359. Section 403.081, Florida Statutes, is amended to read:

403.081 Performance by other state agencies.—All state agencies, including the Department of Health and Rehabilitative Services, shall be available to the department of ~~Environmental Regulation~~ to perform, at its direction, the duties required of the department of ~~Environmental Regulation~~ under this act.

Section 360. Section 403.085, Florida Statutes, is amended to read:

403.085 Sanitary sewage disposal units; advanced and secondary waste treatment; industrial waste, ocean outfall, inland outfall, or disposal well waste treatment.—

(1) Neither the Department of Health and Rehabilitative Services nor any other state agency, county, special district, or municipality shall approve construction of any ocean outfall or disposal well for sanitary sewage disposal which does not provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the department of ~~Environmental Regulation~~.

(2) Sanitary sewage disposal treatment plants which discharge effluent through ocean outfalls or disposal wells on July 1, 1970, shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the ~~former~~ Department of Environmental Regulation by January 3, 1974. Failure to conform by said date shall be punishable by a fine of \$500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(3) Neither the Department of Health and Rehabilitative Services nor any other state agency, county, special district, or municipality shall approve construction of any ocean outfall, inland outfall, or disposal well for the discharge of industrial waste of any kind which does not provide for secondary waste treatment or such other treatment as is deemed necessary and ordered by the department of ~~Environmental Regulation~~.

(4) Industrial plants or facilities which discharge industrial waste of any kind through ocean outfalls, inland outfalls, or disposal wells on July 1, 1971, shall provide for secondary waste treatment or such other waste treatment as deemed necessary and ordered by January 1, 1973, by the ~~former~~ Department of Environmental Regulation. Failure to conform by said date shall be punishable as provided in s. 403.161(2).

Section 361. Subsections (1) and (2) and paragraph (b) of subsection (4) of section 403.086, Florida Statutes, are amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)(a) Neither the Department of Health and Rehabilitative Services nor any other state agency, county, special district, or municipality shall approve construction of any facilities for sanitary sewage disposal which do not provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the department of ~~Environmental Regulation~~.

(b) No facilities for sanitary sewage disposal constructed after June 14, 1978, shall dispose of any wastes by deep well injection without providing for secondary waste treatment and, in addition thereto, advanced waste treatment deemed necessary by the department of ~~Environmental Regulation~~ to protect adequately the beneficial use of the receiving waters.

(c) Notwithstanding any other provisions of this chapter or chapter 373, facilities for sanitary sewage disposal may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, or Charlotte Harbor Bay, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in subsection (4), approved by the department of ~~Environmental Regulation~~. This paragraph shall not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treat-

ment, to tributaries of tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.

(2) Any facilities for sanitary sewage disposal existing on July 1, 1971, shall provide for secondary waste treatment by January 1, 1973, and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the former Department of Pollution Control, or its successor, the former Department of Environmental Regulation, or its successor, the Department of Environmental Protection. Failure to conform by said date shall be punishable by a civil penalty of \$500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(4) For purposes of this section, the term "advanced waste treatment" means that treatment which will provide a reclaimed water product that:

(b) Has received high level disinfection, as defined by rule of the department of Environmental Regulation.

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, the department may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

Section 362. Section 403.0871, Florida Statutes, is amended to read:

403.0871 Florida Permit Fee Trust Fund.—There is established within the department of Environmental Regulation a nonlapsing trust fund to be known as the "Florida Permit Fee Trust Fund." All funds received from applicants for permits pursuant to ss. 403.087(5) and 403.861(8) shall be deposited in the Florida Permit Fee Trust Fund and shall be used by the department with the advice and consent of the Legislature to supplement appropriations and other funds received by the department for the administration of its responsibilities under this chapter. In no case shall funds from the Florida Permit Fee Trust Fund be used for salary increases without the approval of the Legislature.

Section 363. Section 403.0873, Florida Statutes, is amended to read:

403.0873 Florida Air-Operation License Fee Account.—The "Florida Air-Operation License Fee Account" is established as a nonlapsing account within the department's Department of Environmental Regulation's Air Pollution Control Trust Fund. All license fees paid pursuant to s. 403.0872(10) shall be deposited in such account and must be used solely by the department and approved local programs under the advice and consent of the Legislature to pay the direct and indirect costs required to develop and administer the major stationary source air-operation permit program. Any approved local pollution control program that accepts funds from the department as reimbursement for services it performs in the implementation of the major source air-operation permit program is prohibited from collecting additional fees attributable to such services from any source permitted under s. 403.0872.

Section 364. Paragraph (d) of subsection (2) of section 403.0876, Florida Statutes, is amended to read:

403.0876 Permits; processing.—

(2)

(d) Permits issued pursuant to s. 403.088 or s. 403.0885 shall be processed in accordance with s. 403.0885(3) ~~s. 403.0885(4)~~.

Section 365. Subsection (1) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; conditions.—

(1) No person, without written authorization of the department, shall discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them. However, this section shall not be deemed to prohibit the application of pesticides to waters in the state for the control of insects, aquatic weeds, or algae, provided the application is performed pursuant to a program approved by the Department of Health and Rehabilitative Services, in the case of insect control, or the department of ~~Natural Resources~~, in the case of aquatic weed or algae control. The department of ~~Environmental Regulation~~ is directed to enter into interagency agreements to establish the procedures for program approval. Such agreements shall provide for public health, welfare, and safety, as well as environmental factors. Approved programs must provide that only chemicals approved for the particular use by the United States Environmental Protection Agency or by the Department of Agriculture and Consumer Services may be employed and that they be applied in accordance with registered label instructions, state standards for such application, and the provisions of the Florida Pesticide Law, chapter 487.

Section 366. Section 403.0885, Florida Statutes, is amended to read:

403.0885 Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) Program.—

(1) The Legislature finds and declares that it is in the public interest to promote effective and efficient regulation of the discharge of pollutants into waters of the state and eliminate duplication of permitting programs by the United States Environmental Protection Agency under s. 402 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. s. 1251 et seq., and the department under this chapter. It is further found that state implementation of the federal NPDES program, with sufficient time for legislative revision prior to the implementation of the state NPDES permit program by the department, would promote the orderly establishment of a state administered NPDES program. It is the specific intent of the Legislature that permit fees charged by the department for processing of federally approved NPDES permits be adequate to cover the entire cost to the department of program management, for reviewing and acting upon any permit application, and to cover the cost of surveillance and other field services of any permits issued pursuant to this section. ~~Further, it is legislative intent, upon a finding by the department determining such additional costs for administering an NPDES program, to set permit fees by legislative act during the 1989 regular legislative session.~~

(2) ~~To this end, the department shall apply no later than January 1, 1993, to the United States Environmental Protection Agency, pursuant to s. 402 of the Federal Clean Water Act, Pub. L. No. 92-500, as amended, for approval to operate an NPDES program. The department shall not process applications or issue or deny NPDES permits under this program until after July 1, 1993.~~

(2)(3) The department is empowered to establish a state NPDES program in accordance with s. 402 of the Clean Water Act, as amended. The department shall have the power and authority to assume the NPDES permitting program from the United States Environmental Protection Agency and to implement the program, including the general permitting program under 40 C.F.R. s. 122.28 and the pretreatment program under 40 C.F.R. part 403, in accordance with s. 402(b) of the Clean Water Act, as amended, and 40 C.F.R. part 123. Variance, thermal variance, and provisions for relief from criteria set forth in the Clean Water Act, as amended, and corresponding United States Environmental Protection Agency regulations shall be part of the assumed NPDES permitting program. The department may not accept authorization to administer a state NPDES program for municipal stormwater for a period of 4 years following federal approval of the state NPDES program. The provisions governing upset and bypass conditions contained in 40 C.F.R. s. 122.41 shall apply to the state National Pollutant Discharge Elimination System Program. The state NPDES permit shall be the sole permit issued by the state under this chapter regulating the discharge of pollutants or wastes into surface waters within the state for discharges covered by the United States Environmental Protection Agency approved state NPDES program. This legislative authority is intended to be sufficient to enable the department to qualify for delegation of the federal NPDES program to the state and operate such program in accordance with federal law. Only that portion of the facility permit which authorizes a discharge pursuant to s. 402 of the Clean Water Act, as amended, shall be submitted to the United States Environmental Protection Agency for review under that section. To the extent other sections of chapter 403 apply and do not conflict with federal requirements, the application of such sections to discharges regulated under this section is not prohibited.

(3)(4) An application for an NPDES permit and other approvals from the state relating to the permitted activity shall be granted or denied by the department within the time allowed for permit review under 40 C.F.R. part 124, subpart A. Other than for stormwater discharge permitting, the decision on issuance or denial of such permit may not be delegated to another agency or governmental authority. The department is specifically exempted from the time limitations provided in ss. 120.60 and 403.0876; provided that upon timely application for renewal, a permit issued under this section shall not expire until the application has been finally acted upon or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court. However, if the department fails to render a permitting decision within the time allowed by 40 C.F.R. part 124, subpart A, or a memorandum of agreement executed by the department and the United States Environmental Protection Agency, whichever is shorter, the applicant may apply for an order from the circuit court requiring the department to render a decision within a specified time.

(4)(5) The department shall respond, in writing, to any written comments on a pending application for a state NPDES permit which the department receives from the executive director, or his designee, of the Game and Fresh Water Fish Commission ~~or the Department of Natural Resources~~, on matters within the commenting agency's jurisdiction. The department's response shall not constitute agency action for purposes of s. 120.57 or other provisions of chapter 120.

Section 367. Subsection (4) of section 403.0891, Florida Statutes, is repealed.

Section 368. Section 403.092, Florida Statutes, is amended to read:

403.092 Package sewage treatment facilities; inspection.—The department of ~~Environmental Regulation~~ shall implement a program to conduct regular and continuing inspection of package sewage treatment facilities. To the greatest extent possible consistent with the abilities and the financial resources of local governments, the inspection program shall be delegated to local governments.

Section 369. Subsection (4) of section 403.135, Florida Statutes, is amended to read:

403.135 Persons who accept wastewater for spray irrigation; civil liability.—

(4) Terms used in this section have the meaning specified in this chapter and in the rules of the department of ~~Environmental Regulation~~ under this chapter.

Section 370. Subsection (3) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(3) In assessing damages for fish killed, the value of the fish is to be determined in accordance with a table of values for individual categories of fish which shall be promulgated by the department. At the time the table is adopted, the department shall utilize tables of values established by the Department of Environmental Protection Natural Resources and the Game and Fresh Water Fish Commission. The total number of fish killed may be estimated by standard practices used in estimating fish population.

Section 371. Subsections (7) and (8) of section 403.182, Florida Statutes, are amended to read:

403.182 Local pollution control programs.—

(7) It shall be a violation of this chapter to violate, or fail to comply with, a rule, regulation, or order of a stricter or more stringent nature adopted by a local pollution control program, and the same shall be punishable as provided by s. 403.161. If any local program changes any rule, regulation, or order, whether or not of a stricter or more stringent nature, such change shall not apply to any installation or source operating at the time of such change in conformance with a currently valid permit issued by the department of ~~Environmental Regulation~~.

(8) Nothing in this act shall prevent any local pollution control program from enforcing its own rules, regulations, or orders. All remedies of the department of ~~Environmental Regulation~~ under this chapter shall be available, as an alternative to local enforcement provisions, to each local pollution control program to enforce any provision of local law. When the department and a local program institute separate lawsuits against the same party for violation of a state or local pollution law, rule, regulation, or order arising out of the same act, the suits shall be consolidated when possible.

Section 372. Subsection (1) of section 403.1822, Florida Statutes, is amended to read:

403.1822 Definitions for ss. 403.1821-403.1832.—As used in ss. 403.1821-403.1832, the term:

(1) "Department" ~~means~~ ~~refers to~~ the Department of Environmental Protection Regulation.

Section 373. Section 403.1823, Florida Statutes, is amended to read:

403.1823 Department of Environmental ~~Protection~~ ~~Regulation~~; rulemaking authority; administration of funds.—The department shall:

(1) ~~Adopt~~ ~~Promulgate~~ rules and regulations to carry out the purposes of ss. 403.1821-403.1832.

(2) Administer and control all funds appropriated to or received by the department for the purposes of ss. 403.1821-403.1832.

Section 374. Subsections (4), (5), and (6) of section 403.1834, Florida Statutes, are amended to read:

403.1834 State bonds to finance or refinance facilities; exemption from taxation.—

(4) The facilities to be financed or refinanced with the proceeds of such state bonds shall be determined and approved by the department of ~~Environmental Regulation~~ and may be constructed, acquired, maintained, and operated by any county, municipality, district, or authority, or any agency thereof, or by the department.

(5) The department of ~~Environmental Regulation~~ and the Division of Bond Finance of the State Board of Administration are hereby authorized to enter into lease-purchase agreements between such departments or to enter into lease-purchase agreements or loan agreements between either of such departments and any county, municipality, district, or authority, or any agency thereof, for such periods and under such other terms and conditions as may be mutually agreed upon by the parties thereto in order to carry out the purposes of s. 14, Art. VII of the State Constitution and this section.

(6) The department of ~~Environmental Regulation~~ shall have power to fix, establish, and collect fees, rentals, or other charges for the use or benefit of said facilities or may delegate such power to any county, municipality, district, authority, or any agency thereof under such terms and conditions and for such periods as may be mutually agreed upon.

Section 375. Paragraph (a) of subsection (10) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(10)(a) Because the Legislature has experienced revenue shortfalls in recent years and has been unable to provide enough funds to fully match available federal funds to help capitalize the Sewage Treatment Revolving Loan Fund, it is necessary for innovative approaches to be considered to help capitalize the revolving loan fund. The department of ~~Environmental Regulation~~ shall evaluate potential innovative approaches that can generate funds to match available federal funds. The department shall consider, among other possible alternatives, the option of implementing by rule a program to allow local governments to offer funds voluntarily to the state for use as a match to available federal funds to capitalize the state sewage treatment revolving loan fund.

Section 376. Paragraph (a) of subsection (2) of section 403.1838, Florida Statutes, is amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(2)(a) There is established within the department of ~~Environmental Regulation~~ the Small Community Sewer Construction Assistance Trust Fund.

Section 377. Subsection (1) of section 403.281, Florida Statutes, is amended to read:

403.281 Definitions; weather modification law.—As used in this chapter relating to weather modification:

(1) “Department” means the Department of Environmental ~~Protection Regulation~~.

Section 378. Paragraph (c) of subsection (2) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

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

(c) “Law enforcement officer” means any officer of the Florida Highway Patrol, a county sheriff’s department, a municipal law enforcement department, a law enforcement department of any other political subdivision, the department of ~~Natural Resources~~, or the Game and Fresh Water Fish Commission. In addition, and solely for the purposes of this section, “law enforcement officer” means any employee of a county or municipal park or recreation department designated by the department head as a litter enforcement officer.

Section 379. Subsections (9) and (10) of section 403.4131, Florida Statutes, are amended to read:

403.4131 “Keep Florida Beautiful, Incorporated”; placement of signs.—

(9) The Department of Environmental ~~Protection Regulation~~ shall contract with the Center for Solid and Hazardous Waste Management for an ongoing annual litter survey, the first of which is to be conducted by January 1, 1994. The center shall appoint a broad-based work group not to exceed seven members to assist in the development and implementation of the survey. Representatives from the university system, business, government, and the environmental community shall be considered by the center to serve on the work group. Final authority on implementing and conducting the survey rests with the center. The first survey is to be designed to serve as a baseline by measuring the amount of current litter and marine debris, and is to include a methodology for measuring the reduction in the amount of litter and marine debris to determine the progress toward the litter reduction goal established in subsection (8). Annually thereafter, additional surveys are to be conducted and must also include a methodology for measuring the reduction in the amount of litter and for determining progress toward the litter reduction goal established in subsection (8).

(10) Beginning July 1, 1995, and annually thereafter, the department of ~~Environmental Regulation~~ shall evaluate the information provided in the annual litter surveys and conduct studies as needed to make recommendations, if necessary, to the Governor and the Legislature by October 1, 1996, for the designation by law of containers, product packaging, or items found in the litter stream that should be subject to an advance disposal fee.

Section 380. Subsection (2) of section 403.4135, Florida Statutes, is amended to read:

403.4135 Litter receptacles.—

(2) RECEPTACLES REQUIRED.—All ports, terminal facilities, boatyards, marinas, and other commercial facilities which house vessels and from which vessels disembark shall provide or ensure the availability of litter receptacles of sufficient size and capacity to accommodate the litter and other waste materials generated on board the vessels using its facilities, except for large quantities of spoiled or damaged cargoes not usually discharged by a ship. The department of ~~Environmental Regulation~~ may enforce violations of this section pursuant to ss. 403.121 and 403.131.

Section 381. Paragraph (i) of subsection (3) and subsection (5) of section 403.415, Florida Statutes, are amended to read:

403.415 Motor vehicle noise.—

(3) DEFINITIONS.—The following words and phrases when used in this section shall have the meanings respectively assigned to them in this subsection, except where the context otherwise requires:

(i) “Department” means the Department of Environmental Protection Regulation.

(5) TEST PROCEDURES.—The test procedures for determining compliance with this section shall be established by regulation of the department of ~~Environmental Regulation~~ and in cooperation with the Department of Highway Safety and Motor Vehicles in substantial conformance with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., or its successor bodies, and the American National Standards Institute, Inc., or its successor bodies, for the measurement of motor vehicle sound levels. ~~Regulations establishing these test procedures shall be promulgated no later than December 1, 1974.~~

Section 382. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and subsections (3), (4), and (5) of section 403.4154, Florida Statutes, are amended to read:

403.4154 Phosphogypsum management program.—

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

(a) “Department” means the Department of Environmental Protection Regulation.

(2) REGULATORY PROGRAM.—

(a) It is the intent of the Legislature that the department of ~~Environmental Regulation~~ develop a program for the sound and effective regulation of phosphogypsum stack systems in the state. It is further the intent of the Legislature that such regulatory program include the imposition of an annual registration fee on stacks that have not been closed and that such fees be used for the purpose of paying the costs of the department’s review of applications to permit the closure of stack systems or the construction of new or expanded stack systems and of the department’s review of requests for deferral of mandatory closure requirements.

(3)(a) The total annual registration fees for all existing stacks shall be the amount required by the department to accomplish the following activities:

1. Review and processing of a request by an owner of a phosphogypsum stack system that it be relieved of any mandatory obligation to close the system, or any portion thereof, prior to using the system for its entire remaining useful life.

2. Review and processing of an application to construct a new or expanded phosphogypsum stack system.

3. Review and processing of an application to close a phosphogypsum stack system, or portion thereof.

(b) On or before August 1 of each fiscal year ~~following May 12, 1993~~, the department shall provide written notice to each owner of an existing stack of the annual registration fee payable for that fiscal year. Each owner shall remit the annual registration fee to the department within 30 days after receipt of the notice. The notice required by this section shall be accompanied by a report prepared by the department presenting the expenditures using annual registration fees required by this section made by the department during the immediately preceding fiscal year and indicating the amount of any unexpended funds.

(c) ~~The total registration fees for all existing stacks for the fiscal year beginning on July 1, 1993, shall not exceed \$500,000. For all subsequent fiscal years,~~ The total annual registration fees for all existing stacks shall not exceed \$500,000. The annual registration fee for each existing stack shall be the amount calculated by dividing the maximum total registration fees collectible in a particular fiscal year by the total number of existing stacks as of June 30 of the immediately preceding fiscal year.

~~(4) EFFECTIVE DATE. This section shall take effect May 12, 1993. However, subsection (3) shall take effect only upon final adoption by the Department of Environmental Regulation of rules which provide that an owner of a phosphogypsum stack system shall be relieved of any mandatory obligation to close a phosphogypsum stack system, or any portion thereof, prior to the end of its useful life upon demonstration that the system is not causing and is not reasonably expected to cause a violation of applicable department water quality standards or criteria, or that the owner will implement corrective measures to contain any groundwater discharge plume and to remediate existing impacts so that the groundwater at the edge of the permitted zone of discharge is in compliance with all applicable department water quality standards or criteria by the time that the system would otherwise have been mandatorily required to close.~~

~~(5) There is hereby appropriated 8 positions and \$500,000 from the Operating Trust Fund to the Department of Environmental Regulation for fiscal year 1993-1994 to implement the provisions of this section.~~

Section 383. Subsection (10) of section 403.503, Florida Statutes, is amended to read:

403.503 Definitions.—As used in this act:

(10) "Department" means the Department of Environmental Protection Regulation.

Section 384. Section 403.504, Florida Statutes, is amended to read:

403.504 Department of Environmental ~~Protection Regulation~~; powers and duties enumerated.—The department of ~~Environmental Regulation~~ shall have the following powers and duties in relation to this act:

(1) To adopt, promulgate, or amend reasonable rules to implement the provisions of this act, including rules setting forth environmental precautions to be followed in relation to the location and operation of electrical power plants.

(2) To prescribe the form and content of the public notices and the notice of intent and the form, content, and necessary supporting documentation and studies to be prepared by the applicant for electrical power plant site certification applications.

(3) To receive applications for electrical power plant site certifications and to determine the completeness and sufficiency thereof.

(4) To make, or contract for, studies of electrical power plant site certification applications.

(5) To administer the processing of applications for electric power plant site certifications and to ensure that the applications are processed as expeditiously as possible.

(6) To require such fees as allowed by this act.

(7) To conduct studies and prepare a written analysis under s. 403.507.

(8) To prescribe the means for monitoring the effects arising from the construction and operation of electrical power plants to assure continued compliance with terms of the certification.

(9) To notify all affected agencies of the filing of a notice of intent within 15 days after receipt of the notice.

(10) To issue, with the electrical power plant certification, any license required pursuant to any federally delegated or approved permit program.

Section 385. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, and studies.—

(2)(a) The following agencies shall prepare reports as provided below and shall submit them to the department and the applicant within 150 days after distribution of the complete application:

1. The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan and other such matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed electrical power plant with applicable comprehensive regional policy plans or local comprehensive plans and land development regulations.

2. The Public Service Commission shall prepare a report as to the present and future need for the electrical generating capacity to be supplied by the proposed electrical power plant. The report shall include the commission's determination

pursuant to s. 403.519 and may include the commission's comments with respect to any other matters within its jurisdiction.

3. The water management district shall prepare a report as to matters within its jurisdiction.

4. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including adopted local comprehensive plans, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

~~5. The Department of Natural Resources shall prepare a report as to matters within its jurisdiction.~~

~~5.6. The Game and Fresh Water Fish Commission shall prepare a report as to matters within its jurisdiction.~~

~~6.7. The regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the comprehensive regional policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.~~

~~7.8. Any other agency, if requested by the department, shall also perform studies or prepare reports as to matters within that agency's jurisdiction which may potentially be affected by the proposed electrical power plant.~~

Section 386. Paragraph (a) of subsection (4) of section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification proceedings, parties, participants.—

(4)(a) Parties to the proceeding shall include:

1. The applicant.
2. The Public Service Commission.
3. The Department of Community Affairs.
- ~~4. The Department of Natural Resources.~~

~~4.5. The Game and Fresh Water Fish Commission.~~

~~5.6. The water management district.~~

~~6.7. The department.~~

~~7.8. The regional planning council.~~

~~8.9. The local government.~~

Section 387. Paragraph (b) of subsection (1) of section 403.518, Florida Statutes, is amended to read:

403.518 Fees; disposition.—

(1) The department shall charge the applicant the following fees, as appropriate, which shall be paid into the Operating Trust Fund:

(b) An application fee, which shall not exceed \$200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, increase in generating capacity proposed by the application, or the number and size of local governments in whose jurisdiction the electrical power plant is located.

1. Sixty percent of the fee shall go to the department to cover any costs associated with reviewing and acting upon the application, to cover any field services associated with monitoring construction and operation of the facility, and to cover the costs of the public notices published by the department.

2. Twenty percent of the fee or \$25,000, whichever is greater, shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services.

3. Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the department shall reimburse the Department of Community Affairs, ~~the Department of Natural Resources~~, the Game and Fresh Water Fish Commission, and any water management district created pursuant to chapter 373, regional planning council, and local government in the jurisdiction of which the proposed electrical power plant is to be located, and any other agency from which the department requests special studies pursuant to ~~s. 403.507(2)(a)7, s. 403.507(2)(a)8~~. Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for local governments to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

4. If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this act; provided, however, that if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after withdrawal.

Section 388. Subsection (11) of section 403.522, Florida Statutes, is amended to read:

403.522 Definitions.—As used in this act:

(11) "Department" means the Department of Environmental Protection Regulation.

Section 389. Section 403.523, Florida Statutes, is amended to read:

403.523 Department of Environmental Protection Regulation; powers and duties.—The department shall have the following powers and duties:

(1) To adopt or amend reasonable procedural rules to implement the provisions of this act and to adopt or amend rules to implement the provisions of subsection (10).

(2) To prescribe the form and content of the public notices and the form, content, and necessary supporting documentation, and any required studies, for certification applications. All such data and studies shall be related to the jurisdiction of the agencies relevant to the application.

(3) To receive applications for transmission line and corridor certifications and initially determine the completeness and sufficiency thereof.

(4) To make or contract for studies of certification applications. All such studies shall be related to the jurisdiction of the agencies relevant to the application. For studies in areas outside the jurisdiction of the department and in the jurisdiction of another agency, the department may initiate such studies, but only with the consent of such agency.

(5) To administer the processing of applications for certification and ensure that the applications are processed as expeditiously as possible.

(6) To require such fees as allowed by this act.

(7) To prepare a report and written analysis as required by s. 403.526.

(8) To prescribe the means for monitoring the effects arising from the location of the transmission line corridor and the construction and maintenance of the transmission lines to assure continued compliance with the terms of the certification.

(9) To make a determination of acceptability of any alternate corridor proposed for consideration pursuant to s. 403.5271.

(10) To set requirements that reasonably protect the public health and welfare from the electric and magnetic fields of transmission lines for which an application is filed after the effective date of this act.

(11) To present rebuttal evidence on any issue properly raised at the certification hearing.

Section 390. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:

403.526 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided below and shall submit them to the department and the applicant within 90 days after distribution of the complete application:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

~~2. The Department of Natural Resources shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction.~~

~~2.3. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.~~

~~3.4. The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed transmission line or corridor with applicable comprehensive regional policy plans or local comprehensive plans and land development regulations.~~

~~4.6.~~ The Game and Fresh Water Fish Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5.6. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

~~6.7.~~ Each regional planning council shall present a report containing recommendations that address the impact upon the public of the proposed transmission line or corridor based on the degree to which the transmission line or corridor is consistent with the applicable provisions of the comprehensive regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed transmission line or corridor on matters within its jurisdiction.

Section 391. Paragraph (a) of subsection (4) of section 403.527, Florida Statutes, is amended to read:

403.527 Notice, proceedings, parties, participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Community Affairs.
- ~~5. The Department of Natural Resources.~~

5.6. The Game and Fresh Water Fish Commission.

~~6.7.~~ Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.

~~7.8.~~ The local government.

8.9. The regional planning council.

Section 392. Paragraph (b) of subsection (1) of section 403.5271, Florida Statutes, is amended to read:

403.5271 Alternate corridors.—

(1) No later than 50 days prior to the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration pursuant to the provisions of this act.

(b) Within 7 days after receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected either by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary. If rescheduled, the certification hearing shall be held no more than 90 days after the previously scheduled certification hearing, unless additional time is needed due to the alternate corridor crossing a local government jurisdiction not previously affected, in which case the remainder of the schedule listed below shall be appropriately adjusted by the hearing officer to allow that local government to prepare a report pursuant to s. 403.526(2)(a)5, ~~s. 403.526(2)(a)6~~.

Section 393. Paragraph (c) of subsection (1) of section 403.5365, Florida Statutes, is amended to read:

403.5365 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which shall be paid into the Operating Trust Fund:

(1) An application fee of \$100,000, plus \$750 per mile for each mile of corridor in which the transmission line right-of-way is proposed to be located within an existing electrical transmission line right-of-way or within any existing right-of-way for any road, highway, railroad, or other above-ground linear facility, or \$1,000 per mile for each mile of transmission line corridor proposed to be located outside such existing right-of-way.

(c) Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the department shall reimburse the expenses and costs of the Department of Community Affairs, ~~the Department of Natural Resources~~, the Game and Fresh Water Fish Commission, the water management district, regional planning council, and local government in the jurisdiction of which the transmission line is to be located. Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for the local government to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 394. Subsection (1) of section 403.703, Florida Statutes, is amended to read:

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

(1) "Department" means the Department of Environmental Protection Regulation or any successor agency performing a like function.

Section 395. Subsection (5) of section 403.705, Florida Statutes, is amended to read:

403.705 State solid waste management program.—

(5) The department of ~~Environmental Regulation~~ shall develop descriptive literature to inform local governments of the solid waste management responsibilities and opportunities described in this act.

Section 396. Section 403.7061, Florida Statutes, is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection Regulation.—

(1) The Legislature recognizes the need to use an integrated approach to municipal solid waste management. Accordingly, the solid waste management legislation adopted in 1988 was guided by policies intended to foster integrated solid waste management by using waste reduction, recycling, waste-to-energy facilities, and landfills. Progress is being made in the state using this integrated approach to municipal solid waste management, and this approach should be continued. Waste-to-energy facilities will continue to be an integral part of the state's solid waste management practices. However, the state is committed to achieving its recycling and waste reduction goals and must ensure that waste-to-energy facilities are fully integrated with the state's waste management goals. Therefore, the Legislature finds that the department of ~~Environmental Regulation~~ should evaluate applications for waste-to-energy facilities in accordance with the new criteria in subsection (3) to confirm that the facilities are part of an integrated waste management plan.

(2) Notwithstanding any other provisions of state law, the department shall not issue a construction permit or certification to build a waste-to-energy facility or expand an existing waste-to-energy facility unless the facility meets the requirements set forth in subsection (3). Any construction permit issued by the department between January 1, 1993, and May 12, 1993, which does not address these new requirements shall be invalid. These new requirements do not apply to the issuance of permits or permit modifications to retrofit existing facilities with new or improved pollution control equipment to comply with state or federal law. The department shall initiate rulemaking to incorporate the criteria in subsection (3) into its permit review process.

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following subsections:

(a) The facility is a necessary part of the local government's integrated solid waste management program in the jurisdiction where the facility is located and cannot be avoided through feasible and practical efforts to use recycling or waste reduction.

(b) The use of capacity at existing waste-to-energy facilities within reasonable transportation distance of the proposed facility must have been evaluated and found not to be economically feasible when compared to the use of the proposed facility for the expected life of the proposed facility. This paragraph does not apply to:

1. Applications to build or expand waste-to-energy facilities received by the department before March 1, 1993, or amendments to such applications that do not increase combustion capacity beyond that requested as of March 1, 1993; or

2. Any modification to waste-to-energy facility construction or operating permits or certifications or conditions thereto, including certifications under ss. 403.501-403.518, that do not increase combustion capacity above that amount applied for before March 1, 1993.

(c) The county in which the facility is located will achieve the 30-percent waste reduction goal set forth in s. 403.706(4) by the time the facility begins operation. For the purposes of this section, the provisions of s. 403.706(4)(d) for counties with populations of 50,000 or less do not apply.

(d) The local government in which the facility is located has implemented a mulching, composting, or other waste reduction program for yard trash.

(e) The local governments served by the facility will have implemented or participated in a separation program designed to remove small-quantity generator and household hazardous waste, mercury containing devices, and mercuric-oxide batteries from the waste stream prior to incineration, by the time the facility begins operation.

(f) The local government in which the facility is located has implemented a program to procure products or materials with recycled content, pursuant to s. 403.7065.

(g) A program will exist in the local government in which the facility is located for collecting and recycling recovered material from the institutional, commercial, and industrial sectors by the time the facility begins operation.

(h) The facility will be in compliance with applicable local ordinances and with the approved state and local comprehensive plans required by chapter 163.

(i) The facility is in substantial compliance with its permit, conditions of certification, and any agreements or orders resulting from environmental enforcement actions by state agencies.

(4) For the purposes of this section, the term "waste-to-energy facility" means a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

(5)(a) ~~The department of Environmental Regulation~~ shall fund a pilot project designed to evaluate the effectiveness of efforts to reduce emissions from waste-to-energy facilities through front-end separation or waste cleaning programs. The pilot project must:

1. Be conducted in a local government jurisdiction or jurisdictions served by a waste-to-energy facility;

2. Include design and implementation of one or more programs for removing toxic materials from the waste stream or treating such wastes before they are incinerated, considering existing recycling, composting, and pollution prevention programs, existing or anticipated pollution control equipment, and existing or anticipated hazardous waste collection programs; and

3. Include methodologies for evaluating the effectiveness of the pilot program, including analyses of air emissions from the waste-to-energy facility before, during, and after the implementation of the pilot program.

(b) The pilot project must be concluded by October 1, 1995. By December 1, 1995, the department shall provide a final report.

(c) The sum of \$100,000 is appropriated to the department from the Solid Waste Management Trust Fund to conduct pilot projects. The department shall seek matching in-kind or cash contributions from local governments and the waste-to-energy industry for the purpose of conducting pilot projects.

Section 397. Subsections (10) and (12) of section 403.707, Florida Statutes, are amended to read:

403.707 Permits.—

(10) On the same day of filing with the department of an application for any construction or renovation permit for the treatment of biomedical waste, other than a general permit, which the department may require by rule, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published in a newspaper of general circulation in the county in which the facility is located or is proposed to be located. Notwithstanding the provisions of chapter 50, for purposes of this section, a "newspaper of general circulation" shall be the newspaper within the county in which the installation or facility is proposed which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice shall appear in both the newspaper with the largest daily circulation in that county, and a newspaper authorized to publish legal notices in that county. The notice shall contain:

(a) The name of the applicant and a brief description of the facility and its location.

(b) The location of the application file and when it is available for public inspection.

The notice shall be prepared by the applicant and shall comply with the following format:

Notice of Application

The Department of Environmental ~~Protection Regulation~~ announces receipt of an application for a permit from ...(name of applicant)... to ...(brief description of project)... This proposed project will be located at ...(location)... in ...(county)... ...(city)....

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at ...(name and address of office)....

(12) The department of ~~Environmental Regulation~~ shall review all permit applications for any designated Class I solid waste disposal facility. As used in this subsection, the term "designated Class I solid waste disposal facility" means any facility that is, as of May 12, 1993, a solid waste disposal facility classified as an active Class I landfill by the department, that is located in whole or in part within

1,000 feet of the boundary of any municipality, but that is not located within any county with an approved charter or consolidated municipal government, is not located within any municipality, and is not operated by a municipality. The department shall not permit vertical expansion or horizontal expansion of any designated Class I solid waste disposal facility unless the application for such permit was filed before January 1, 1993, and no solid waste management facility may be operated which is a vertical expansion or horizontal expansion of a designated Class I solid waste disposal facility. As used in this subsection, the term "vertical expansion" means any activity that will result in an increase in the height of a designated Class I solid waste disposal facility above 100 feet National Geodetic Vertical Datum, except solely for closure, and the term "horizontal expansion" means any activity that will result in an increase in the ground area covered by a designated Class I solid waste disposal facility, or if within 1 mile of a designated Class I solid waste disposal facility, any new or expanded operation of any solid waste disposal facility or area, or of incineration of solid waste, or of storage of solid waste for more than 1 year, or of composting of solid waste other than yard trash.

Section 398. Subsection (5) and paragraph (b) of subsection (10) of section 403.708, Florida Statutes, are amended to read:

403.708 Prohibition; penalty.—

(5) The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may impose a fine of not more than \$100 on any person currently licensed pursuant to s. 561.14 for each violation of the provisions of subsection (2) or subsection (3). If the violation is of a continuing nature, each day during which such violation occurs shall constitute a separate and distinct offense and shall be subject to a separate fine.

(10) No person shall:

(b) Distribute, sell, or offer for sale in this state any polystyrene foam or plastic-coated paper product which is to be used in conjunction with food for human consumption unless such product is composed of material which is degradable within 12 months or less. This requirement shall be effective 1 year after such products have been certified as safe by the United States Food and Drug Administration and are made available in commercial quantities. Determination of the degradability of these products shall be made by the secretary of ~~Environmental Regulation~~ based on a preponderance of evidence available from reputable private and government research agencies. Businesses and industries that use polystyrene foam and plastic-coated paper products that are not degradable as required by this paragraph are encouraged to formulate a 3-year plan to research, test, and implement production technologies that will allow the product to meet the degradability requirements by January 1, 1992.

Section 399. Subsection (1) of section 403.7084, Florida Statutes, is amended to read:

403.7084 Biomedical waste tracking system.—

(1) The Department of Environmental ~~Protection Regulation~~ shall adopt rules for a system of tracking biomedical waste:

(a) Tracking and packaging of biomedical waste.—Such system shall, at a minimum, provide for tracking of the transportation of the waste from the genera-

tor to the treatment facility, including a means for providing the generator of the waste with assurance that the waste is received by the treatment facility, and shall include the identification on the container of waste indicating the entity which transports the waste.

(b) Small quantities.—The department may establish transportation criteria for generators of small quantities of biomedical waste as defined in s. 403.703(37), except that the department may exempt from these criteria any person who, or facility that, transports less than 25 pounds of such waste on any single occasion.

(c) Inspections; procedures.—Inspections may be conducted for purposes of compliance with this section. Any such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative of the department obtains any samples, prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained.

Section 400. Section 403.709, Florida Statutes, is amended to read:

403.709 Solid Waste Management Trust Fund; allocation of waste tire fee moneys; waste tire site management.—

(1) There is created the Solid Waste Management Trust Fund, to be administered by the department of ~~Environmental Regulation~~ for the purposes of:

(a) Funding solid waste activities of the department, such as providing technical assistance to local governments, performing solid waste regulatory and enforcement functions, preparing solid waste documents, and implementing solid waste education programs;

(b) Making grants and awards to local governments as provided in s. 403.7095.

(c) Providing funding for research, demonstration, and training by state universities, community colleges, and independent nonprofit colleges and universities within the state which are accredited by the Southern Association of Colleges and Schools, and other organizations that can reasonably demonstrate the capability to carry out such projects. Of the annual amounts appropriated by the Legislature for the Solid Waste Management Trust Fund, up to 5 percent may be reserved by the secretary and used to fund on a matching basis research, demonstration, and training projects related to solid waste management. Those projects may include, but are not limited to, undertakings such as market development for recycled materials, composting techniques and use, and plastic materials.

~~(2)(4)~~ Aseptic packaging is recognized as a significant advancement in source reduction and energy efficiency. The Legislature finds that the state's recycling goals could be more easily reached if aseptic packaging and other polycoated paperboard packaging could be collected from residences, state agencies, public schools, community colleges, and universities. Therefore, the department shall consider programs whereby such entities may participate in recycling aseptic packaging and other polycoated paperboard packaging, especially if businesses or industries make available, at no cost, equipment to simplify or facilitate such activity. Such programs may include a demonstration project, to be conducted by December 1, 1994, for collecting and recycling polycoated paperboard packaging and other nontraditional materials used for packages or beverage containers. ~~The sum of \$200,000 is appropriated from the Solid Waste Management Trust Fund to the department for fiscal year 1993-1994 to carry out the responsibilities of this paragraph.~~

~~(3)~~(2) Moneys allocated to the fund from waste tire fees shall be accounted for separately within the fund and shall be used in the following manner:

(a) Up to 2 percent of the account may be used to pay department costs for administering these funds and programs.

(b) Up to 3 percent of the account may be used to provide funding for research and demonstration projects relating to solving solid waste problems resulting from waste tires. ~~For fiscal year 1992-1993, \$400,000 shall be allocated to the Department of Agriculture and Consumer Services for research on mosquitoes and their control as related to waste tires.~~

(c) Up to ~~30~~ 40 percent of the account may be used to provide funds for removal of tires from an illegal waste tire site according to priorities established by law or department rule.

(d) To provide grants to counties to accomplish the purposes set forth in s. 403.719. If, in any one fiscal year, less than ~~55~~ 45 percent of the account is used for such grants, any unused funds may be used by the department for the purposes set forth in paragraph (c).

(e) At least 10 percent of the account shall be allocated as additional grants to local mosquito control agencies for the specific purpose of abating and providing mosquito control relating to waste tire sites, other tire piles, and other waste debris sites identified by local mosquito control agencies as mosquito breeding areas. Only local mosquito control agencies approved by the Department of Agriculture and Consumer Services may receive funds pursuant to this paragraph. Each county with an eligible local mosquito control agency shall be allocated a minimum of \$15,000 pursuant to this paragraph. Any remaining funds under this paragraph shall be distributed to eligible local mosquito control agencies on the basis of county population. If more than one local mosquito control agency exists in a county, the funds shall be prorated between the agencies based on the population served by each agency.

~~(4)~~(3) The department shall recover to the use of the fund from the site owner or the person responsible for the accumulation of tires at the site, jointly and severally, all sums expended from the fund pursuant to this section to manage tires at an illegal waste tire site, except that the department may decline to pursue such recovery if it finds the amount involved too small or the likelihood of recovery too uncertain. If a court determines that the owner is unable or unwilling to comply with the rules adopted pursuant to this section or s. 403.717, the court may authorize the department to take possession and control of the waste tire site in order to protect the health, safety, and welfare of the community and the environment.

~~(5)~~(4) The department may impose a lien on the real property on which the waste tire site is located and the waste tires equal to the estimated cost to bring the tire site into compliance, including attorney's fees and court costs. Any property owner which has such a lien imposed may release his property from any lien claimed under this subsection by filing with the clerk of the circuit court a cash or surety bond, payable to the department in the amount of the estimated cost of bringing the tire site into compliance with department rules, including attorney's fees and court costs, or the value of the property after the abatement action is complete, whichever is less.

~~(6)~~(5) This section does not limit the use of other remedies available to the department.

Section 401. Paragraphs (a) and (d) of subsection (1), subsections (2), (3), (4), and (5), and paragraph (a) of subsection (6) of section 403.714, Florida Statutes, are amended to read:

403.714 Duties of state agencies.—

(1) Each state agency, the judicial branch of state government, and the State University System shall:

(a) Establish a program, in cooperation with the department of ~~Environmental Regulation~~ and the Department of Management Services, for the collection of all recyclable materials generated in state offices and institutions throughout the state, including, at a minimum, aluminum, high-grade office paper, and corrugated paper.

(d) Establish and implement, in cooperation with the department of ~~Environmental Regulation~~ and the Department of Management Services, a solid waste reduction program for materials used in the course of agency operations. The program shall be designed and implemented to achieve the maximum feasible reduction of solid waste generated as a result of agency operations.

(2) The Department of Commerce shall assist and encourage the recycling industry in the state. Assistance and encouragement of the recycling industry shall include, but is not limited to:

(a) Identifying and analyzing, in cooperation with the department of ~~Environmental Regulation~~, components of the state's recycling industry and present and potential markets for recyclable materials in this state, other states, and foreign countries;

(b) Providing information on the availability and benefits of using recycled materials to businesses and industries in the state; and

(c) Distributing any material prepared in implementing this section to the public, businesses, industries, local governments, or other organizations upon request.

By September 1, 1989, and every other year thereafter, the Department of Commerce shall prepare a report assessing the recycling industry and recyclable materials markets in the state.

(3) The Department of Agriculture and Consumer Services shall investigate the potential markets for composted materials and shall submit its findings to the department of ~~Environmental Regulation~~ for the waste registry informational program administered by the department in order to stimulate absorption of available composted materials into such markets.

(4) All state agencies, including, but not limited to, the Department of Transportation, the department of ~~Natural Resources~~, and the Department of Management Services and local governments, are required to procure compost products when they can be substituted for, and cost no more than, regular soil amendment products, provided the compost products meet all applicable state standards, specifications, and regulations. The Department of Agriculture and Consumer Services

shall coordinate the development of uniform product specifications for procurement and use of compost by all state agencies. This product preference shall apply to, but not be limited to, the construction of highway projects, road rights-of-way, highway planting projects, recultivation and erosion control programs, and other projects. The Department of Agriculture and Consumer Services shall prepare an annual summary on the use of compost products by any state agency, political subdivision, or agency of a political subdivision which is using state funds, or any person contracting with such agency with respect to work performed under contract. Such summary shall describe the use of compost products in relation to similar products such as top soil, fill dirt, sand, peat, and fertilizer. The Department of Agriculture and Consumer Services shall establish a work group of state agency and local government personnel to design an appropriate reporting mechanism. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) The Department of Agriculture and Consumer Services, in consultation with the Department of Transportation, the Department of Commerce, and the department of ~~Environmental Regulation~~, and appropriate trade associations, shall undertake to stimulate the development of sustainable state markets for compost through demonstration projects and other approaches the Department of Agriculture and Consumer Services may develop.

(6)(a) The Department of Education, in cooperation with the State University System and the department of ~~Environmental Regulation~~, shall develop, distribute, and encourage the use of guidelines for the collection of recyclable materials and for solid waste reduction in the state system of education. At a minimum, the guidelines shall address solid waste generated in administrative offices, classrooms, dormitories, and cafeterias.

Section 402. Subsection (1) of section 403.716, Florida Statutes, is amended to read:

403.716 Training of operators of solid waste management and other facilities.

(1) The department of ~~Environmental Regulation~~ shall establish qualifications for, and encourage the development of training programs for, operators of landfills, coordinators of local recycling programs, operators of waste-to-energy facilities, biomedical waste incinerators, and mobile soil thermal treatment units or facilities, and operators of other solid waste management facilities.

Section 403. Paragraph (a) of subsection (1) of section 403.717, Florida Statutes, is amended to read:

403.717 Waste tire and lead-acid battery requirements.—

(1) For purposes of this section and ss. 403.718, 403.7185, and 403.719:

(a) "Department" means the Department of Environmental Protection Regulation.

Section 404. Paragraph (a) of subsection (1) and subsection (9) of section 403.7186, Florida Statutes, are amended to read:

403.7186 Environmentally sound management of mercury-containing devices and lamps.—

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

(a) “Department” means the Department of Environmental Protection Regulation.

~~(9) DEMONSTRATION PROJECT.—~~

~~(a) The Department of Environmental Regulation shall organize and coordinate a cooperative, public-private demonstration project, to be initiated in fiscal year 1993-1994, to evaluate the feasibility of collecting and recycling mercury-containing devices and spent lamps. The department is encouraged to seek funding and other assistance for the project from the Federal Government, local governments, private industries and industry associations, recyclers, electrical device suppliers, and other interests. The Department of Management Services and the Florida Energy Office shall participate in the project as part of the state Green Lights relamping project. The Department of Environmental Regulation shall provide a report by January 1, 1994, to the Governor, the President of the Senate, and the Speaker of the House of Representatives that describes the progress of the demonstration project and provides recommendations for further action.~~

~~(b) The sum of \$200,000 is hereby appropriated from the Solid Waste Management Trust Fund to the Department of Environmental Regulation for fiscal year 1993-1994 to carry out the provisions of this subsection.~~

Section 405. Subsection (3) of section 403.7195, Florida Statutes, is amended to read:

403.7195 Waste newsprint disposal fees.—

(3) If the department of ~~Environmental Regulation~~ determines on October 1, 1993, and each successive year thereafter until October 1, 1999, by a preponderance of the evidence, that newsprint sold within the state is being recycled at a rate of 50 percent or more of the quantity sold within the state, the product waste disposal fee on newsprint shall be rescinded for the year following that determination. If the department determines on that date, by a preponderance of the evidence, that newsprint sold within the state is being recycled at a rate of less than 50 percent of the quantity sold within the state, the product waste disposal fee on newsprint shall be increased to \$1 per ton and the credits authorized by subsection (2) shall be increased to \$1 per ton, effective January 1 of the following year. If the product waste disposal fee on newsprint is increased, subsections (5) and (6) shall simultaneously be implemented.

Section 406. Paragraph (e) of subsection (2), paragraph (c) of subsection (5), paragraphs (e) and (g) of subsection (6), and subsections (8), (10), and (12) of section 403.7197, Florida Statutes, are amended to read:

403.7197 Advance disposal fee program.—

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

(e) “Department” means the Department of Environmental Protection Regulation.

(5)

(c) By June 1 of each year, ~~beginning in 1994~~, the department of ~~Environmental Regulation~~ shall take final agency action declaring exemptions from the advance disposal fee pursuant to this subsection and provide the Department of Revenue with a list of the individual products covered by such exemptions. The exemption is valid for 2 years unless withdrawn by the petitioner or canceled by the department pursuant to paragraph (d). A petition for renewal shall be filed at least 60 days before the expiration of the exemption. The person exempted from the fee shall, for at least 3 years, keep records of the number of containers on which the advance disposal fee would have been imposed had the exemption not been granted and shall make such records and other information supporting the certification available for review and audit by the department during normal business hours.

(6)

(e) The Department of Revenue and the department of ~~Environmental Regulation~~ are authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The departments are empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The Department of Revenue is authorized to establish audit procedures, recover administrative costs, and to assess delinquent fees, penalties, and interest.

(g) The Legislature finds that the failure to promptly implement the provisions of this section would present an immediate threat to the welfare of this state because revenues needed for recycling and litter control and prevention programs would not be collected. Therefore, the executive director of the Department of Revenue and the secretary of the department of ~~Environmental Regulation~~ are authorized to adopt emergency rules pursuant to s. 120.54(9) for purposes of implementing this section. Any provision of law to the contrary notwithstanding, such emergency rules shall remain effective for 6 months from the date of adoption.

(8) The department of ~~Environmental Regulation~~ shall ~~must~~ adopt rules to accomplish the following:

(a) Establish reporting requirements to obtain necessary sales, recycling, recycled material content, and procurement information to implement this section; and

(b) Establish the criteria to determine whether the provisions of subsections (4) and (5) have been achieved.

(10) Proceeds of the advance disposal fee transferred to the Solid Waste Management Trust Fund shall be allocated to provide for the ~~department's~~ Department of ~~Environmental Regulation's~~ costs of implementing the provisions of this section, supplemental grants to counties allocated pursuant to s. 403.7095, environmental and natural resource programs, and improving recycling markets for containers subject to the fee, and shall be allocated as follows:

(a) For supplemental grants to counties, 30 percent;

(b) For improving recycling markets, 12 percent;

(c) For transfer to the Surface Water Improvement Trust Fund, 19 percent;

(d) For transfer to the Sewage Treatment Revolving Loan Fund, 27 percent; and

(e) For transfer to the Small Community Sewer Construction Assistance Trust Fund, 12 percent.

Of the amount provided for supplemental grants to counties, 10 percent shall be used as an additional amount for the emergency distribution pursuant to s. 218.65 of counties under 50,000 population and shall be disbursed pursuant to the terms of said section.

(12) Notwithstanding any other provisions contained in this section, the Department of Business and Professional Regulation shall perform all of the functions and responsibilities of the Department of Revenue, with respect to the advance disposal fee imposed on alcoholic beverage distributors as provided in chapters 563, 564, and 565.

Section 407. Subsection (1) of section 403.7199, Florida Statutes, is amended to read:

403.7199 Florida Packaging Council.—

(1) To ensure that the recycled material content goals specified by law are technically sound and are achievable through a diligent effort by manufacturers, there is created within the department of ~~Environmental Regulation~~ the Florida Packaging Council, which consists of 24 members. Appointments to the council must be made by September 1, 1993, as follows:

(a) The Governor shall appoint eight members to the council, of whom one must be a representative of the Florida Retail Federation, two must be representatives of environmental groups, and at least four members must be representatives of the packaging manufacturing industry, including one representative of the Grocery Manufacturers of America. Two initial members must be appointed to serve terms of 1 year, and three initial members must be appointed to serve terms of 2 years.

(b) The President of the Senate shall appoint one representative of an environmental group, one representative of the plastic-packaging manufacturing industry, one representative of the ferrous-packaging manufacturing industry, one representative of the nondurable-packaging manufacturing industry, one representative of municipal government, one member of the Senate, one member of the Associated Industries of Florida, Inc., and one member of the Society of the Plastics Industry. Three initial members must be appointed to serve terms of 1 year, and three initial members must be appointed to serve terms of 2 years.

(c) The Speaker of the House of Representatives shall appoint one representative of the independent recycling industry, one representative of county government, one representative of an environmental group, one representative of the paper-packaging manufacturing industry, one representative of the aseptic-packaging manufacturing industry, one representative of the Florida Soft Drink Association, one member of the House of Representatives, and one representative of the pulp and paper industry. Three initial members must be appointed to serve terms of 1 year, and two initial members must be appointed to serve terms of 2 years.

(d) Except for specified initial members, the council members are appointed to terms of 3 years. Vacancies must be filled in the same manner as the original

appointments. All members appointed to the council shall have the technical expertise necessary to fulfill the requirements of this section.

Section 408. Subsection (12) of section 403.722, Florida Statutes, is amended to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(12) On the same day of filing with the department of an application for a permit for the construction modification, or operation of a hazardous waste facility, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published in a newspaper of general circulation in the county in which the facility is located or is proposed to be located. Notwithstanding the provisions of chapter 50, for purposes of this section, a "newspaper of general circulation" shall be the newspaper within the county in which the installation or facility is proposed which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice shall appear in both the newspaper with the largest daily circulation in that county, and a newspaper authorized to publish legal notices in that county. The notice shall contain:

(a) The name of the applicant and a brief description of the project and its location.

(b) The location of the application file and when it is available for public inspection.

The notice shall be prepared by the applicant and shall comply with the following format:

Notice of Application

The Department of Environmental ~~Protection Regulation~~ announces receipt of an application for a permit from ...(name of applicant)... to ...(brief description of project)... This proposed project will be located at ...(location)... in ...(county)... (city)....

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at ...(name and address of office)....

Section 409. Subsection (2) of section 403.7222, Florida Statutes, is amended to read:

403.7222 Prohibition of hazardous waste landfills.—

(2) The Legislature declares that, due to the permeability of the soil and high water table in Florida, future hazardous waste landfills are prohibited. Therefore, the department of ~~Environmental Regulation~~ may not issue a permit pursuant to s. 403.722 for a newly constructed hazardous waste landfill. However, if by executive order the Governor declares a hazardous waste management emergency, the department may issue a permit for a temporary hazardous waste landfill. Any such

landfill shall be used only until such time as an appropriate alternative method of disposal can be derived and implemented. Such a permit may not be issued for a period exceeding 6 months without a further declaration of the Governor. A Class IV injection well, as defined in 40 C.F.R. s. 144.6(d), may not be permitted for construction or operation under this section.

Section 410. Section 403.7226, Florida Statutes, is amended to read:

403.7226 Technical assistance by the department.—The department of ~~Environmental Regulation~~ shall:

(1) Provide technical assistance to county governments and regional planning councils to ensure consistency in implementing local hazardous waste management assessments as provided in ss. 403.7225, 403.7234, and 403.7236. In order to ensure that each local assessment is properly implemented and that all information gathered during the assessment is uniformly compiled and documented, each county or regional planning council shall contact the department during the preparation of the local assessment to receive technical assistance. Each county or regional planning council shall follow guidelines established by the department, and adopted by rule as appropriate, in order to properly implement these assessments.

(2) Identify short-term needs and long-term needs for hazardous waste management for the state on the basis of the information gathered through the local hazardous waste management assessments and other information from state and federal regulatory agencies and sources. The state needs assessment must be ongoing and must be updated when new data concerning waste generation and waste management technologies become available. The department shall annually send a copy of this assessment to the Governor and to the Legislature.

Section 411. Subsection (5) of section 403.725, Florida Statutes, is amended to read:

403.725 Hazardous Waste Management Trust Fund.—

(5) Moneys in the fund shall not be expended to clean up hazardous waste which is being removed from navigable waters by a federal agency in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan established pursuant to the Federal Water Pollution Control Act, Pub. L. No. 92-500, as amended, or which is being removed from any coastal waters, estuaries, tidal flats, beaches, or lands adjoining the coastline of the state by the department of ~~Natural Resources~~ pursuant to chapter 376.

Section 412. Subsection (1) of section 403.7255, Florida Statutes, is amended to read:

403.7255 Department to adopt rules.—

(1) The department of ~~Environmental Regulation~~ shall adopt rules ~~no later than January 1, 1991,~~ which establish requirements and procedures for the placement of signs at sites which may have been contaminated by hazardous wastes. Sites shall include any site in the state that is listed or proposed for listing on the Superfund Site List of the United States Environmental Protection Agency or any site identified by the department as a suspected or confirmed contaminated site where there may be a risk of exposure to the public. The requirements of this section shall not apply to sites reported under ss. 376.3071 and 376.3072. The rules shall establish the appropriate size for such signs, which size shall be no smaller

than 2 feet by 2 feet, and shall provide in clearly legible print appropriate warning language for the waste or other materials at the site and a telephone number which may be called for further information.

Section 413. Subsections (1), (5), and (6) of section 403.7264, Florida Statutes, are amended to read:

403.7264 Amnesty days for purging small quantities of hazardous wastes.—Amnesty days are authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies, and small businesses. These entities have no appropriate economically feasible mechanism for disposing of their hazardous wastes at the present time. In order to raise public awareness on this issue, provide an educational process, accommodate those entities which have a need to dispose of small quantities of hazardous waste, and preserve the waters of the state, amnesty days shall be carried out in the following manner:

(1)(a) ~~The department of Environmental Regulation~~ shall administer and supervise amnesty days and shall contract with a department-approved, bonded waste handling company for implementation. The waste collected from the entities named in this section shall be transported out of the state for proper disposal at a federally approved facility.

(b) If a local government has established a local or regional hazardous waste collection center pursuant to s. 403.7265(3) and such center is in operation, the department and the local government may enter into a contract whereby the local government shall administer and supervise amnesty days. If a contract is entered into, the department shall provide to the local government, from funds appropriated to the department for amnesty days, an amount of money as determined by the department that is equal to the amount of money that would have been spent by the department to administer and supervise amnesty days in the local government's area. A local government that wishes to administer and supervise amnesty days shall notify the department at least 30 days prior to the beginning of the state fiscal year during which the amnesty days are scheduled to be held in the local government's area. ~~Local governments that wish to administer and supervise amnesty days during fiscal year 1988-1989 shall notify the department no later than July 30, 1988.~~

~~(5) The state shall conduct amnesty days according to the following schedule:~~

~~(a) In counties within the geographic areas of the South Florida, Treasure Coast, and Southwest Florida Regional Planning Councils, amnesty days shall be held between January 1, 1989, and June 30, 1989.~~

~~(b) In counties within the geographic areas of the Withlacoochee, East Central Florida, Central Florida, and Tampa Bay Regional Planning Councils and in Volusia County, amnesty days shall be held between July 1, 1989, and June 30, 1990.~~

~~(c) In counties within the geographic areas of the West Florida, Apalachee, North Central Florida, and Northeast Florida Regional Planning Councils and in Jefferson County, amnesty days shall be held between July 1, 1990, and June 30, 1991.~~

~~(5)(6) Amnesty days shall be funded on a continuing basis, as needed, from the Water Quality Assurance Trust Fund. The department is authorized to use up to~~

5 percent of the funds appropriated for amnesty days for administrative costs and up to 5 percent of such funds for public education related to amnesty days.

Section 414. Subsection (8) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(8) Notwithstanding any of the provisions of this section, a generator of biomedical wastes who has complied with this act and with the applicable rules adopted under this act and who has contracted for the transportation of biomedical wastes with a transporter who is registered pursuant to department of ~~Environmental Regulation~~ rules and regulations shall not be jointly and severally liable for any actions of the transporter.

Section 415. Paragraph (a) of subsection (2) of section 403.74, Florida Statutes, is amended to read:

403.74 Management of hazardous materials by governmental agencies.—

(2) Every local, state, or other governmental agency and every institution of the State University System that disposes of hazardous materials shall:

(a) Notify the department of ~~Environmental Regulation~~ of the type and approximate annual quantity of each hazardous material that is generated.

Section 416. Subsection (2) of section 403.75, Florida Statutes, is amended to read:

403.75 Definitions relating to used oil.—As used in ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, the term:

(2) "Department" means the Department of Environmental Protection Regulation.

Section 417. Section 403.7721, Florida Statutes, is amended to read:

403.7721 Rule of construction; chs. 85-269 and 85-277.—The provisions of chapters 85-269 and 85-277, Laws of Florida, shall be construed to supplement rather than to diminish or supersede the powers ~~presently~~ exercised by the department of ~~Environmental Regulation~~ under chapter 376 and this chapter. In accordance with chapter 376 and this chapter, the department may fully exercise its authority under said chapters to collect information for other purposes and may coordinate such efforts with the information gathering duties imposed by chapters 85-269 and 85-277, where deemed practicable and advisable, in order to provide for cost-effective use of state resources.

Section 418. Section 403.783, Florida Statutes, is amended to read:

403.783 Department of Environmental Protection Regulation; powers and duties.—The department shall have the following powers and duties:

(1) To make findings or make or contract for studies of certification applications on matters within the department's jurisdiction.

(2) To administer the processing of applications for certification and ensure that the applications are processed as expeditiously as possible.

(3) To require the payment of fees as specified in ss. 403.78-403.7893.

(4) To provide public notice of the filing of the application and of the proceedings conducted pursuant to ss. 403.78-403.7893.

(5) To prescribe the means for monitoring the effects arising from the location, construction, operation, and maintenance of the project to assure continued compliance with the terms of the certification.

(6) To present rebuttal evidence on any issue properly raised at the certification hearing.

Section 419. Subsection (3) of section 403.7841, Florida Statutes, is amended to read:

403.7841 Application for certification.—

(3) Within 7 days after filing the application with the department, the applicant shall provide two copies of the application as filed to each of the following: the Department of Community Affairs, the water management district which has jurisdiction over the area wherein the proposed project is to be located, the Department of Transportation, ~~the Department of Natural Resources~~, the Game and Fresh Water Fish Commission, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, and the local governmental entities which have jurisdiction.

Section 420. Subsection (1) of section 403.786, Florida Statutes, is amended to read:

403.786 Report and studies.—

(1) The Department of Community Affairs, the water management district which has jurisdiction over the area wherein the proposed project is to be located, the Department of Transportation, ~~the Department of Natural Resources~~, the Game and Fresh Water Fish Commission, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, and each local government which has jurisdiction shall each submit a report of matters within their jurisdiction to the department within 90 days after their receipt of the application. Any other agency may submit comments relating to matters within its jurisdiction to the department within 90 days after the filing of the application with the Division of Administrative Hearings.

Section 421. Paragraph (a) of subsection (4) of section 403.787, Florida Statutes, is amended to read:

403.787 Notice, proceedings, parties, participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The Department of Community Affairs.
4. ~~The Department of Natural Resources.~~

~~4.5.~~ The Game and Fresh Water Fish Commission.

~~5.6.~~ Each water management district in the jurisdiction of which the proposed project is to be located.

~~6.7.~~ Any affected local government.

Section 422. Subsections (5), (12), and (13) of section 403.803, Florida Statutes, are amended to read:

403.803 Definitions.—When used in this act, the term, phrase, or word:

(5) “Department” means the Department of Environmental Protection Regulation.

(12) “Secretary” means the Secretary ~~of the Department~~ of Environmental Protection Regulation.

(13) “Standard” means any rule of the Department of Environmental Protection Regulation relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term “standard” does not include rules of the department which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rule-making or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.

Section 423. Subsection (1) of section 403.8051, Florida Statutes, is amended to read:

403.8051 Small Business Air Pollution Compliance Advisory Council; members; duties.—

(1) The Small Business Air Pollution Compliance Advisory Council is created within the department of ~~Environmental Regulation~~. The council shall have seven members, appointed as follows:

(a) Two members who are not owners or representatives of owners of small business stationary sources, appointed by the Governor to represent the public.

(b) Two members, one each appointed by the President of the Senate and the Minority Leader of the Senate, who are owners or who represent owners of small business stationary sources.

(c) Two members, one each appointed by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives, who are owners or who represent owners of small business stationary sources.

(d) One member appointed by the Secretary of ~~the Department of Environmental Regulation~~ to represent the department.

Section 424. Section 403.8163, Florida Statutes, is amended to read:

403.8163 Sites for disposal of spoil from maintenance dredge operations; selection.—Lands created by spoil or used as dredge spoil sites must be given priority consideration as sites for disposal of spoil in maintenance dredge operations, except when the Division of Beaches and Shores of the Department of Environmental Protection Natural Resources determines that the spoil, or some substantial portion thereof, may be placed as compatible sediment into the littoral system of an adjacent sandy beach or coastal barrier dune system for the preservation and protection of such beach or dune system.

Section 425. Section 403.851, Florida Statutes, is amended to read:

403.851 Declaration of policy; intent.—It is the policy of the state that the citizens of Florida shall be assured of the availability of safe drinking water. Recognizing that this policy encompasses both environmental and public health aspects, it is the intent of the Legislature to provide a water supply program operated jointly by the department of ~~Environmental Regulation~~, in a lead-agency role of primary responsibility for the program, and by the Department of Health and Rehabilitative Services and its units, including county health departments, in a supportive role with specific duties and responsibilities of its own. Without any relinquishment of Florida's sovereign powers and responsibilities to provide for the public health, public safety, and public welfare of the people of Florida, the Legislature intends:

(1) To give effect to Pub. L. No. 93-523 promulgated under the commerce clause of the United States Constitution, to the extent that interstate commerce is directly affected.

(2) To encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.

(3) To provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

Section 426. Subsection (1) of section 403.852, Florida Statutes, is amended to read:

403.852 Definitions.—As used in ss. 403.850-403.864:

(1) "Department" means the Department of Environmental ~~Protection Regulation~~, which is charged with the primary responsibility for the administration and implementation of the Florida Safe Drinking Water Act.

Section 427. Section 403.862, Florida Statutes, is amended to read:

403.862 Department of Health and Rehabilitative Services; public water supply duties and responsibilities; coordinated budget requests with department of ~~Environmental Regulation~~.—

(1) Recognizing that supervision and control of county public health units of the Department of Health and Rehabilitative Services is retained by the secretary of that agency, and that public health aspects of the state public water supply program require joint participation in the program by the Department of Health and Rehabilitative Services and its units and the department, the Department of Health and Rehabilitative Services shall:

(a) Establish and maintain laboratories for the conducting of radiological, microbiological, and chemical analyses of water samples from public water systems, which are submitted to such laboratories for analysis. Copies of the reports of such analyses and quarterly summary reports shall be submitted to the appropriate department district or subdistrict office.

(b) Require each county health department to:

1. Collect such water samples for analysis as may be required by the terms of this act, from public water systems within its jurisdiction. The duty to collect such samples may be shared with the appropriate department district or subdistrict office and shall be coordinated by field personnel involved.

2. Submit the collected water samples to the appropriate laboratory for analysis.
3. Maintain reports of analyses for its own records.
4. Conduct complaint investigation of public water systems to determine compliance with federal, state, and local standards and permit compliance.
5. Notify the appropriate department district or subdistrict office of potential violations of federal, state, and local standards and permit conditions by public water systems and assist the department in enforcement actions with respect to such violations to the maximum extent practicable.
6. Review and evaluate laboratory analyses of water samples from private water systems.

(c) Require those county public health units designated by the Department of Health and Rehabilitative Services and approved by the department as having qualified sanitary engineering staffs and available legal resources, in addition to the duties prescribed in paragraph (b), to:

1. Review, evaluate, and approve or disapprove each application for the construction, modification, or expansion of a public water system to determine compliance with federal, state, and local requirements. A copy of the completed permit application and a report of the final action taken by the county public health unit shall be forwarded to the appropriate department district office.
2. Review, evaluate, and approve or disapprove applications for the expansion of distribution systems. Written notification of action taken on such applications shall be forwarded to the appropriate department district or subdistrict office.
3. Maintain inventory, operational, and bacteriological records and carry out monitoring, surveillance, and sanitary surveys of public water systems to ensure compliance with federal, state, and local regulations.
4. Participate in educational and training programs relating to drinking water and public water systems.
5. Enforce the provisions of this part and rules adopted under this part.

(d) Require those county health departments designated by the Department of Health and Rehabilitative Services as having the capability of performing bacteriological analyses, in addition to the duties prescribed in paragraph (1)(b), to:

1. Perform bacteriological analyses of water samples submitted for analysis.
2. Submit copies of the reports of such analyses to the appropriate department district or subdistrict office.

(e) Make available to the central and branch laboratories funds sufficient, to the maximum extent possible, to carry out the public water supply functions and responsibilities required of such laboratories as provided in this section.

(f) Have general supervision and control over all private water systems and all public water systems not otherwise covered or included in this part. This shall include the authority to adopt and enforce rules to protect the health, safety, or welfare of persons being served by all private water systems and all public water systems not otherwise covered by this part.

(g) Assist state and local agencies in the determination and investigation of suspected waterborne disease outbreaks, including diseases associated with chemical contaminants.

(h) Upon request, consult with and advise any county or municipal authority as to water supply activities.

(2) Funds appropriated to support activities of county health departments of the Department of Health and Rehabilitative Services pursuant to this act shall be deposited to the County Health Department Trust Fund and used exclusively for the purposes of this act.

(3) The Department of Health and Rehabilitative Services and the department shall coordinate their respective budget requests ~~for the fiscal year 1978-1979 and for subsequent fiscal years~~ to ensure that sufficient funding is provided to the Department of Health and Rehabilitative Services in order that it may carry out its public water supply functions and responsibilities as provided in this section. In the event the Department of Health and Rehabilitative Services lacks sufficient funds in any fiscal year to the extent that it is unable adequately to carry out its public water supply duties, an interagency agreement may be entered into between the two departments in order to remedy administratively, either through the transfer of funds or of services, the lack of sufficient public water supply funds within the Department of Health and Rehabilitative Services.

(4) If the department determines that a county health department or other unit of the Department of Health and Rehabilitative Services is not performing its public water supply responsibilities satisfactorily, the secretary of the department shall certify such determination in writing to the Secretary of Health and Rehabilitative Services. The Secretary of Health and Rehabilitative Services shall evaluate the determination of the department and shall inform the secretary of the department of his evaluation. Upon concurrence, the Secretary of Health and Rehabilitative Services shall take immediate corrective action.

(5) Nothing in this section shall serve to negate the powers, duties, and responsibilities of the Secretary of Health and Rehabilitative Services relating to the protection of the public from the spread of communicable disease, epidemics, and plagues.

(6) ~~After January 2, 1991,~~ No county public health unit may be designated and approved unless it can carry out all functions of the drinking water program. Each year, the department, in conjunction with the Department of Health and Rehabilitative Services, shall review approved county public health units to determine continued qualification for approved status. To receive and maintain approved status, a county public health unit shall meet the following criteria and other reasonable and necessary requirements established by the department of ~~Environmental Regulation~~ for its district offices:

(a) The staff shall be under the direction of a qualified individual who is a registered professional engineer in Florida pursuant to chapter 471.

(b) The county public health unit shall have sufficient legal resources to carry out the requirements of this part.

(7) Fees and penalties received from suppliers of water pursuant to ss. 403.860(3), (4), and (5) and 403.861(8) in counties where county public health units

have been approved by the department pursuant to paragraph (1)(c) shall be deposited in the appropriate Public Health Unit Trust Fund to be used for the purposes stated in paragraph (1)(c).

Section 428. Subsection (2) of section 403.8635, Florida Statutes, is amended to read:

403.8635 State drinking water sample laboratory certification program.—

(2) The Department of Health and Rehabilitative Services has the responsibility for the operation and implementation of laboratory certification pursuant to this section, except that, upon completion of the evaluation and review of an application for laboratory certification, the evaluation shall be forwarded, along with recommendations, to the department of ~~Environmental Regulation~~ for review and comment prior to final approval or disapproval.

Section 429. Section 403.9311, Florida Statutes, is amended to read:

403.9311 Declaration of policy.—It is the intent of the Legislature that the ~~department's Department of Environmental Regulation's~~ mangrove protection rule, which governs the alteration of mangroves, be the sole rule by which the state regulates the alteration of mangroves on privately and publicly owned lands. It is the further intent of the Legislature that the administration and enforcement of the department's ~~of Environmental Regulation's~~ mangrove protection rule be delegated to local governments, including municipalities, provided that the local governments' regulations are consistent with the department's rule and provided local governmental resources are adequate for such administration and enforcement. Such delegation is not limited to the local pollution control programs approved under s. 403.182, and nothing pursuant to these delegations shall prevent the state from pursuing enforcement of the provisions of chapters 253, 258, and 403, when appropriate.

Section 430. Section 403.935, Florida Statutes, is amended to read:

403.935 Restoration of unlawfully altered mangroves.—In the event that a violator does not restore altered mangroves to the standards of the department of ~~Environmental Regulation~~, the department may restore the altered mangroves at its own expense, and the cost of the restoration will become a lien upon the property of the violator.

Section 431. Subsection (10) of section 403.9403, Florida Statutes, is amended to read:

403.9403 Definitions.—As used in ss. 403.9401-403.9425, the term:

(10) "Department" means the Department of ~~Environmental Regulation~~ Protection Regulation.

Section 432. Section 403.9404, Florida Statutes, is amended to read:

403.9404 Department of ~~Environmental Regulation~~ Protection Regulation; powers and duties.—The Department of ~~Environmental Regulation~~ Protection Regulation shall have the following powers and duties:

(1) To adopt or amend reasonable procedural rules to implement the provisions of ss. 403.9401-403.9425 and to adopt or amend rules to implement the provisions of subsection (8).

(2) To prescribe the form and content of the public notices and the form, content, and necessary supporting documentation, and any required studies, for certification applications. All such data and studies shall be related to the jurisdiction of the agencies relevant to the application.

(3) To receive applications for natural gas transmission pipeline and corridor certifications and initially determine the completeness and sufficiency thereof.

(4) To make or contract for studies of certification applications. All such studies shall be related to the jurisdiction of the agencies relevant to the application. For studies in areas outside the jurisdiction of the department and in the jurisdiction of another agency, the department may initiate such studies, but only with the consent of such agency.

(5) To administer the processing of applications for certification and ensure that the applications are processed as expeditiously as possible.

(6) To require such fees as allowed by ss. 403.9401-403.9425.

(7) To prepare a report and written analysis as required by s. 403.941.

(8) To prescribe the means for monitoring the effects arising from the construction, operation, and maintenance of the natural gas transmission pipelines to assure continued compliance with the terms of the certification.

(9) To make a determination of acceptability of any alternate corridor proposed for consideration pursuant to s. 403.9412.

(10) To act as clerk for the board.

(11) To enforce compliance with the provisions of ss. 403.9401-403.9425.

(12) To function as staff to the board, when appropriate.

Section 433. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

~~2. The Department of Natural Resources shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction.~~

~~2.3.~~ Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

~~3.4.~~ The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applica-

ble portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable comprehensive regional policy plans or local comprehensive plans and land development regulations.

4.6. The Game and Fresh Water Fish Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5.6. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

6.7. Each regional planning council in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall present a report containing recommendations that address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the natural gas transmission pipeline or corridor is consistent with the applicable provisions of the comprehensive regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction.

7.8. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

8.9. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

9.10. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 434. Paragraph (a) of subsection (4) of section 403.9411, Florida Statutes, is amended to read:

403.9411 Notice; proceedings; parties and participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Community Affairs.
- ~~5. The Department of Natural Resources.~~
- ~~5.6. The Game and Fresh Water Fish Commission.~~
- ~~6.7. Each water management district in the jurisdiction of which the proposed natural gas transmission pipeline or corridor is to be located.~~
- ~~7.8. The local government.~~
- ~~8.9. The regional planning council.~~
- ~~9.10. The Department of Transportation.~~
- ~~10.11. The Department of State, Division of Historical Resources.~~

Section 435. Paragraph (b) of subsection (1) of section 403.9412, Florida Statutes, is amended to read:

403.9412 Alternate corridors.—

(1) No later than 50 days prior to the originally scheduled certification hearing, any party may propose alternate natural gas transmission pipeline corridor routes for consideration pursuant to ss. 403.9401-403.9425.

(b) Within 7 days after receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected either by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary. If rescheduled, the certification hearing shall be held no later than 135 days after the previously scheduled certification hearing, unless additional time is needed due to the alternate corridor crossing a local government jurisdiction not previously affected, in which case the remainder of the schedule listed in this section shall be appropriately adjusted by the hearing officer to allow that local government to prepare a report pursuant to s. 403.941(2)(a)5. ~~s. 403.941(2)(a)6.~~

Section 436. Section 403.951, Florida Statutes, is amended to read:

403.951 Legislative intent.—It is the policy of the State of Florida to improve the quality of life of all of its citizens both by building a globally competitive economy featuring high-quality job opportunities with increasing income levels and by protecting and enhancing its fragile natural resources and ecological systems. The Legislature finds that Florida's economy faces serious challenges in the form of recession, natural disaster, increasing economic competition from other states and nations, an uneven distribution of economic progress across the state, rapid technological change, and the restructuring of major economic sectors important to

Florida. The Legislature further finds that opportunities arise, in the form of major projects, to address these economic challenges. These opportunities can result from domestic or international corporate decisions to locate or expand facilities in Florida, as well as government decisions to locate or expand research, technology, production, or service facilities in Florida. The Legislature further finds that the efficiency of the permit application and review process at both the state and local level would be improved with the implementation of a process whereby a permit application would be centrally coordinated and all permit decisions could be reviewed on the basis of standards and recommendations of the deciding agencies. The Legislature further finds that expedited, consolidated review of major proposed projects through a procedure resulting in a single license meeting all necessary environmental permitting and land use planning criteria would be an important asset for Florida in competing for such projects. It is the policy of this state, recognizing that such a review procedure would provide a significant economic development advantage, to ensure that the establishment and use of an expedited, consolidated procedure which:

- (1) Will ensure compliance with agency nonprocedural standards.
- (2) Will be consistent with the comprehensive plans of local governments in whose jurisdictions proposed projects would be located.
- (3) Will provide reasonable participation by citizens.
- (4) Will provide economic benefits.
- (5) Ensure protection of public health.

The Legislature further finds that the procedure established by this part must be closely coordinated with all existing and future federally delegated or approved permit programs administered by the department of ~~Environmental Regulation~~. However, nothing in this part shall be deemed to supersede the ~~department's Department of Environmental Regulation's~~ authority separately to administer federally delegated or approved permit programs in accordance with the terms of federal delegation or approval in force at the time application is made for certification under this part.

Section 437. Subsections (8), (12), and (32) of section 403.952, Florida Statutes, are amended to read:

403.952 Definitions.—As used in this act:

(8) "Certification" means the written order of the board approving an application in whole or with such changes or conditions as the board may deem appropriate, or if no certification hearing is held, the written order of the Department of ~~Environmental Protection Regulation~~ pursuant to s. 403.963(3).

(12) "Federally delegated or approved permit program" means any environmental regulatory program approved by an agency of the Federal Government so as to authorize the Department of Environmental ~~Protection Regulation~~ or any other agency to administer and issue licenses pursuant to federal law.

(32) "Sufficiency" means that the application is not only complete but that all sections are sufficient in the comprehensiveness of data or in the quality of information provided to allow the Department of Commerce, the Department of Envi-

ronmental ~~Protection Regulation~~, and the affected local government to determine whether the application provides the reviewing agencies adequate information to prepare the reports required by s. 403.961.

Section 438. Section 403.955, Florida Statutes, is amended to read:

403.955 Department of Environmental ~~Protection Regulation~~; powers and duties enumerated.—The department of ~~Environmental Regulation~~ shall have the following powers and duties in relation to this act:

(1) To prescribe the form, content, and necessary supporting documentation and studies to be prepared by the applicant in regard to meeting the agency non-procedural standards for environmental permitting.

(2) To determine the sufficiency of applications for project site certification as they pertain to meeting the agency nonprocedural standards relating to the environmental permitting of the state.

(3) To prescribe the methods for monitoring the environmental effects arising from the construction and operation of certified projects to assure continued compliance with the terms of the certification.

(4) To act as staff and agent for the siting board with respect to issuing a final order approving certification when no certification hearing has been conducted.

Section 439. Subsections (1) and (6) of section 403.957, Florida Statutes, are amended to read:

403.957 Application process.—

(1) The process for project site certification is commenced by the filing by the applicant with the Department of Commerce of a notice of intent to file a site certification application. When the notice is filed, a copy shall be served by the applicant on the Department of Environmental ~~Protection Regulation~~ and on all other agencies whose jurisdiction is reasonably expected to be affected by the proposed project.

(6) Upon the issuance of the applicant eligibility decision, the applicant may file an application for site certification with the Department of Commerce. The application shall be processed by the Department of Commerce in consultation with the Department of Environmental ~~Protection Regulation~~, the local government and the other affected agencies of jurisdiction under the time schedule specified in this act.

Section 440. Subsections (3), (5) and (6) of section 403.958, Florida Statutes, are amended to read:

403.958 Determination of completeness and sufficiency.—

(3) If the applicant accepts the determination of the Department of Commerce as to completeness, it shall file any additional information necessary to complete the application. Within 7 days after the receipt of additional information, the Department of Commerce shall inform the Department of Environmental ~~Protection Regulation~~, the affected local governments, and other affected agencies whether the application is complete.

(5) Within 25 days of the date on which an application is deemed to be complete for purposes of this part, and after consultation with the affected agencies,

the Department of Commerce shall give written notification to the applicant and the affected agencies and qualified organizations as defined in s. 403.962, as to whether the application is sufficient, with the Department of Environmental ~~Protection Regulation~~ determining the sufficiency of information pertaining to environmental impacts and the affected local governments determining the sufficiency of information pertaining to local comprehensive plans and land development regulations. All affected agencies listed in s. 403.961(2) have 15 days from the date the application is declared complete in which to provide written sufficiency comments to the Department of Environmental ~~Protection Regulation~~ and the affected local government. Within 20 days of the date on which an application is deemed complete, the Department of Environmental ~~Protection Regulation~~ and the affected local government shall provide sufficiency comments to the Department of Commerce.

(6) If the application is declared insufficient, the applicant may, at its option, supply additional information necessary to make the application sufficient, request that the application be processed on the basis of information already submitted, or withdraw the application. If the applicant elects to supply additional information, within 25 days after the date on which additional information is received, the Department of Commerce shall give notification to the applicant and affected agencies as to whether the additional information renders the application sufficient, with the Department of Environmental ~~Protection Regulation~~ determining the sufficiency of information pertaining to environmental impacts and the affected local governments determining the sufficiency of information pertaining to local comprehensive plans and land development regulations. Timeframes for affected agencies to provide sufficiency comments under this subsection shall be identical to those established in subsection (5). If an applicant desires that its application be processed on the basis of information already submitted, it shall inform the department and all affected agencies in writing, thereby waiving any further opportunity to render its application sufficient.

Section 441. Section 403.959, Florida Statutes, is amended to read:

403.959 Initial public meeting.— Within 14 days of the determination of application completeness, the ~~Department~~ ~~Departments~~ of Commerce and the ~~Department of Environmental Protection Regulation~~, in cooperation with the local government, shall jointly conduct a public meeting in the county wherein the project is to be located.

(1) A notice announcing this public meeting shall be published by the Department of Commerce at least 10 days prior to the meeting date. The notice shall be published as specified in s. 403.967(2), except that the newspaper notice shall be one-fourth page in size in a standard size newspaper or one-half page in size in a tabloid size newspaper.

(2) The purposes of this meeting shall be to:

(a) Describe for the general public the nature and location of the proposed project based on the completed application.

(b) Describe for the general public the possible environmental and other potential impacts which may result from the project.

(3) Describe for the general public procedures available for providing comments and participating in the certification process.

(4) Record initial public comments regarding the proposed project and its impacts.

Section 442. Subsections (1) and (2), paragraph (a) of subsection (5), subsection (6), and paragraph (a) of subsection (7) of section 403.961, Florida Statutes, are amended to read:

403.961 Statements of issues and reports; written analyses.—

(1) Within 10 days of the date on which the hearing officer issues a notification to affected agencies that the application is pending before the Division of Administrative Hearings, each affected agency shall file with the hearing officer a preliminary statement of issues raised by the application. Copies shall be furnished to the applicant, the Department of Commerce, the Department of Environmental Protection Regulation, the affected local governments, and all other affected agencies. No failure to raise any issue in this statement shall be deemed to preclude an agency from raising the issue in its final report.

(2) Each of the following agencies shall prepare a report as to matters within its jurisdiction expected to be affected by the proposed project, which report shall be submitted to the applicant, the Department of Commerce, the Department of Environmental Protection Regulation, the affected local governments, and all other affected agencies, no later than 65 days after the date the application is determined to be sufficient:

(a) The Department of Transportation.

~~(b) The Department of Natural Resources.~~

~~(b)(e)~~ The Department of Community Affairs.

~~(c)(d)~~ The Florida Game and Fresh Water Fish Commission.

~~(d)(e)~~ Each water management district having jurisdiction over any proposed site or installation.

~~(e)(f)~~ Each regional planning council having jurisdiction over any proposed site or installation.

~~(f)(g)~~ Any other agency, if requested by the Department of Commerce, shall also prepare reports as to matters within that agency's jurisdiction expected to be affected by the proposed project.

(5) No later than 85 days after the application was determined to be sufficient or an applicant has requested that its application be processed on the basis of information already submitted, the following reports shall be submitted to the Department of Commerce:

(a) An analysis by the Department of Environmental Protection Regulation of all environmental impacts of the proposed project based on the reports submitted by other agencies and its own assessment. This analysis shall include the Department of Environmental Protection's Regulation's recommendations for:

1. Whether, from an environmental protection perspective, certification should be issued for the proposed project.

2. Any variances, exceptions, exemptions, or other relief which may be necessary to facilitate the location of the proposed project.

3. Any conditions of certification that the agency believes are necessary to meet agency nonprocedural standards.

(6) Each agency preparing a report shall include in that report any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the board to certify any projects proposed for certification. Failure to include such nonprocedural requirements shall be treated as a waiver from nonprocedural requirements of the Department of Environmental ~~Protection Regulation~~ or any other affected agency. However, no variance shall be granted from standards or regulations of the Department of Environmental ~~Protection Regulation~~ applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

(7) No later than 90 days after the date on which the application was determined to be sufficient or an applicant has requested that its application be processed on the basis of information already submitted, the Department of Commerce shall issue a compiled report to the applicant and all affected agencies, which shall include:

(a) Without modification the analyses and proposed conditions of certification provided by the Department of Environmental ~~Protection Regulation~~ and the local government as provided for in subsection (4).

Section 443. Paragraphs (b) and (e) of subsection (1) and subsection (4) of section 403.962, Florida Statutes, are amended to read:

403.962 Certification hearing; cancellation; parties.—

(1) The assigned hearing officer shall conduct a certification hearing in the county of the proposed site no later than 150 days after the application for project certification is deemed to be sufficient or an applicant has requested that its application be processed on the basis of information already submitted. All proceedings are governed by chapter 120 except as modified by this act. The hearing shall only be conducted in the event that a hearing is requested by the applicant, an affected agency, a person having a substantial interest which is affected by the proposed certification, a qualified organization, or an affected person who files a petition pursuant to s. 403.9615(4). In determining whether a hearing shall be conducted, the following procedures shall apply:

(b) The following agencies shall be entitled to request the conduct of a certification hearing under this section:

1. The Department of Environmental ~~Protection Regulation~~.

~~2. The Department of Natural Resources.~~

~~2.3. The Florida Game and Fresh Water Fish Commission.~~

~~3.4. The Department of Community Affairs.~~

~~4.5. The Department of Transportation.~~

~~5.6. Any water management district having jurisdiction over a site or installation associated with the proposed project.~~

~~6.7. Any local government having jurisdiction over a site or installation associated with the proposed project.~~

(e) If a hearing is timely requested in accordance with the procedures of this section, the assigned hearing officer shall issue a notice of hearing for the hearing no later than 40 days prior to the scheduled date for the hearing. The applicant, and all the agencies identified in subparagraphs ~~(b)1.-6.~~ ~~(b)1.-7.~~ shall be mandatory parties to the certification hearing. The following may become parties to the proceeding by filing with the hearing officer and serving on all parties a notice of intent to become a party at least 20 days prior to the date of the certification hearing:

1. Any agency not listed in paragraph (b).
2. Any qualified organizations.

(4) If no hearing is timely requested under the procedures set forth in subsection (1), the hearing officer shall enter an order relinquishing jurisdiction of the application to the department of ~~Environmental Regulation~~ for preparation of a final order approving certification.

Section 444. Subsection (3) of section 403.963, Florida Statutes, is amended to read:

403.963 Final disposition of application.—

(3) If no recommended order has been issued because no certification hearing has been held, the department of ~~Environmental Regulation~~, in its capacity as staff and agent for the siting board, shall prepare and issue a final order approving certification within 5 days after the Division of Administrative Hearings issues an order relinquishing jurisdiction which incorporates all of the recommended conditions of certification proposed by the affected agencies.

Section 445. Section 403.964, Florida Statutes, is amended to read:

403.964 Alteration of time limits.—Any time limitation in this act may be altered by the designated hearing officer upon stipulation among the Department of Commerce, the department of ~~Environmental Regulation~~, the affected local governments, and the applicant, unless objected to by any party within 5 days after notice, or for good cause shown by any party.

Section 446. Subsections (1) and (2) and paragraphs (a) and (b) of subsection (5) of section 403.966, Florida Statutes, are amended to read:

403.966 Effect of certification.—

(1) Subject to the conditions set forth therein, any certification signed by the Governor shall constitute the sole license of the state and any agency, whose authority to permit or license is derived by statute, as to the approval of the site and the construction and operation of the proposed project except for the issuance of department of ~~Environmental Regulation~~ licenses required under any federally delegated or approved permit program and except as otherwise provided in subsection (4).

(2)(a) The certification shall authorize the applicant named therein to construct and operate the proposed project, subject only to the conditions of certification set forth in such certification, and except for the issuance of department of ~~Environmental Regulation~~ licenses or permits required under any federally delegated or approved permit program.

(b) Except as provided in subsection (4), the certification may include conditions, to the extent authorized by the applicable law or rule, which constitute variances, exemptions, or exceptions from nonprocedural standards of the department of ~~Environmental Regulation~~, the local government, or any agency that were expressly considered during the proceeding unless waived by the agency as provided in s. 403.961(6) and that otherwise would be applicable to the construction and operation of the proposed project. No variance, exemption, exception, or other relief shall be granted from a state statute or rule for the protection of endangered or threatened species, aquatic preserves, Outstanding National Resource Waters, or Outstanding Florida Waters, or for the disposal of hazardous waste, except to the extent authorized by the applicable statute or rule.

(5)(a) Any project certified pursuant to this act shall comply with rules adopted by the department of ~~Environmental Regulation~~ and other affected agencies subsequent to the issuance of the certification which prescribed new or stricter criteria, to the extent that the rules are applicable to projects. Except when express variances, exceptions, exemptions, or other relief has been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

(b) Upon written notification to the Department of Commerce, the department of ~~Environmental Regulation~~, and the affected local governments, any holder of a certification issued pursuant to this act may choose to operate the certified project in compliance with any rule subsequently adopted by the department of ~~Environmental Regulation~~ which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

Section 447. Paragraph (d) of subsection (1) of section 403.967, Florida Statutes, is amended to read:

403.967 Notice; costs of proceeding.—

(1) The following notices are to be published by the applicant:

(d) Notice of modification when required by the department of ~~Environmental Regulation~~, based on whether the requested modification of certification will significantly increase impacts to the environment or the public. Such notice shall be published as specified under subsection (2):

1. Within 21 days after receipt of a request for modification, except that the newspaper notice shall be of a size as directed by the Department of Commerce commensurate with the scope of the modification.

2. If a hearing is to be conducted in response to the request for modification, then notice shall be provided as specified in this paragraph.

Section 448. Section 403.968, Florida Statutes, is amended to read:

403.968 Review.—Proceedings under this act shall be subject to judicial review as provided in chapter 120. Separate appeals of the certification order issued by the board and of any department of ~~Environmental Regulation~~ permit issued pursuant to a federally delegated or approved permit program shall be consolidated for purposes of judicial review.

Section 449. Subsections (1) and (4) of section 403.969, Florida Statutes, are amended to read:

403.969 Compliance and enforcement; revocation of certification.—

(1) The department of ~~Environmental Regulation~~ shall be the designated agent of the siting board to assure compliance with the terms and conditions of any certification issued under this part.

(4) The department of ~~Environmental Regulation~~ is hereby authorized to enter into interagency agreements with affected agencies with respect to delegation of compliance and enforcement activities for certifications issued under this part. However, nothing in this subsection shall be deemed to interfere with the ability of the department of ~~Environmental Regulation~~ to undertake independent enforcement in the absence of action by any agency to whom enforcement has been delegated.

Section 450. Subsections (1), (2), and (4) of section 403.971, Florida Statutes, are amended to read:

403.971 Modification of certification.—

(1) A certification may be modified after issuance in any one of the following ways:

(a) The department of ~~Environmental Regulation~~, the Department of Commerce, or the local government may modify the terms and conditions of the certification if no party to the original certification objects in writing to such modification within 45 days after notice by mail to such party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days after issuance of public notice. If objections are raised, the applicant may file a petition for modification pursuant to paragraph (b).

(b) A petition for modification may be filed by the applicant, the Department of Commerce, the department of ~~Environmental Regulation~~, or the affected local governments setting forth:

1. The proposed modification.
2. The factual reasons asserted for the modification.
3. The anticipated effects of the proposed modification on the applicant, the public, and the environment.

(2) The petition for modification shall be filed with the department, of ~~Environmental Regulation~~ and the Department of Commerce, and the Division of Administrative Hearings.

(4) Any agreement for modification under this section must be in accordance with the terms of this act. No modification to a certification shall be granted that constitutes a variance from standards of the department of ~~Environmental Regulation~~ applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

Section 451. Paragraph (c) of subsection (2) of section 403.972, Florida Statutes, is amended to read:

403.972 Fees; disposition.—The Department of Commerce shall charge the following fees, as appropriate, which shall be paid into the Department of Commerce Economic Development Trust Fund:

(2) An application fee, which shall not exceed \$150,000. The fee shall be fixed by rule on a sliding scale related to the proposed project size and the number and size of local governments in whose jurisdiction the project is located.

(c) Upon written request with proper itemized accounting within 90 days after final agency action or withdrawal of the application, the Department of Commerce shall reimburse the Department of Environmental ~~Protection Regulation~~, the Department of Community Affairs, the Department of Natural Resources, the Game and Fresh Water Fish Commission, and any water management district created pursuant to chapter 373, regional planning council, and affected local governments in the jurisdiction of which the proposed project is to be located, and any other agency from which the Department of Commerce requests special reports pursuant to ~~s. 403.961(2)(f)~~ ~~s. 403.961(2)(g)~~ or with which the Department of Commerce contracts for field services associated with the monitoring, construction, and operation of the facility. Such reimbursement shall be authorized for the preparation of any reports or studies or the conduct of any compliance monitoring required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for local governments to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 452. Subsection (13) of section 404.031, Florida Statutes, is amended to read:

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

(13) "Radioactive material" means any solid, liquid, or gas which emits ionizing radiation spontaneously; however, this definition does not include radioactive wastes regulated pursuant to the hazardous waste management sections of the federal Resource Conservation and Recovery Act of 1976 or the Department of Environmental ~~Protection's Regulation's~~ assumption of that program.

Section 453. Subsections (2), (3), (5), (6), and (8) of section 404.0614, Florida Statutes, are amended to read:

404.0614 Licensing of commercial low-level radioactive waste management facilities.—

(2) The department, within 90 days of receiving an application for a license to construct, operate, or close a commercial low-level radioactive waste management facility, shall forward a copy of the application to the Department of Environmental ~~Protection Regulation~~ and, after review by both departments, notify the applicant of any errors or omissions and request any additional information needed by the Department of Environmental ~~Protection Regulation~~ to issue a report to the Department of Health and Rehabilitative Services as required by subsection (3) and needed by the Department of Health and Rehabilitative Services to review the license application.

(3) The department, after receiving a complete license application, shall notify the Department of Environmental ~~Protection Regulation~~ that a complete license application to construct, operate, or close a commercial low-level radioactive waste management facility has been received, shall send a copy of the complete application to the Department of Environmental ~~Protection Regulation~~, and shall request

a report from the Department of Environmental ~~Protection Regulation~~ describing the ecological, meteorological, topographical, hydrological, geological, and seismological characteristics of the proposed site. Such report shall be completed no later than 180 days from the date the department requests the report. The Department of Environmental ~~Protection Regulation~~ shall be reimbursed for the cost of the report from fees collected by the Department of Health and Rehabilitative Services pursuant to subsection (8).

(5) The department shall consider the report by the Department of Environmental ~~Protection Regulation~~ in addition to information required by the Department of Health and Rehabilitative Services in the license application and, within 180 days from receiving that report, decide whether to grant a license to construct, operate, or close the commercial low-level radioactive waste management facility. Such a license shall be subject to renewal by the department as specified in the terms of the license initially granted by the department. The failure of the department to renew a license does not relieve the licensee of any obligations incurred under this section.

(6) At least two public hearings shall be held by the department in the community nearest the proposed site of a commercial low-level radioactive waste management facility to gain public input regarding the construction, operation, or closure of such facility and to use that input in considering whether to grant a license. The first public hearing shall be held by the department no sooner than 30 days and no later than 45 days after the department notifies the governing body of each municipality or county within 3 miles of the proposed facility and the municipality and county in which the proposed facility is located that a complete license application has been received. The first public hearing shall be held in the area of the local government having jurisdiction over the proposed site. The second public hearing shall be held by the department after it receives the Department of Environmental ~~Protection Regulation~~ report as required in subsection (3).

(8) The department shall charge and collect reasonable fees from applicants for commercial low-level radioactive waste management licenses. Such fees shall be no greater than the estimated costs to the department of reviewing and taking final action on a license application and the estimated costs to the Department of Environmental ~~Protection Regulation~~ of issuing a report as required in subsection (3). The department may base the amount of such fees upon the size and type of commercial low-level radioactive waste management facility an applicant wishes to construct, operate, or close.

Section 454. Section 418.12, Florida Statutes, is amended to read:

418.12 Duties and functions of Division of Recreation and Parks.—Among its functions, the Division of Recreation and Parks of the Department of ~~Environmental Protection Natural Resources~~ shall:

- (1) Study and appraise the recreation needs of the state and assemble and disseminate information relative to recreation;
- (2) Provide consultation assistance to the Department of Community Affairs and to local governing units as to the promotion, organization, and administration of local recreation systems and as to the planning and design of local recreation areas and facilities;
- (3) Assist in recruiting, training, and placing recreation personnel;

(4) Sponsor and promote recreation institutes, workshops, seminars, and conferences throughout the state;

(5) Cooperate with state and federal agencies, private organizations, and commercial and industrial interests in the promotion of a state recreation program; and

(6) Coordinate recreation functions and facilities of flood control and water management districts.

Section 455. Paragraph (a) of subsection (2) and paragraphs (b) and (d) of subsection (3) of section 420.608, Florida Statutes, are amended to read:

420.608 Inventory of publicly owned lands and buildings.—

(2) PURPOSE.—It is the purpose of this section to provide for:

(a) The analysis of the inventory of state-owned lands prepared by the Department of ~~Environmental Protection Natural Resources~~, where available, and of other information available on publicly owned lands and buildings for the purpose of identifying those publicly owned lands and buildings which may be suitable for the development of housing for very low-income, low-income, and moderate-income persons.

(3) INVENTORY OF PUBLICLY OWNED LANDS AND BUILDINGS.—

(b) Notwithstanding the provisions of s. 253.002, the Department of ~~Environmental Protection Natural Resources~~ shall review all information collected on state-owned lands and buildings and shall provide such information to the Department of Community Affairs. In addition, the Departments of Transportation, Corrections, and Management Services shall provide the department such information as they may have available on lands or buildings in their inventories which may be suitable for development for affordable housing.

(d) By July 1 of each year, ~~beginning in 1989~~, the department shall purge the inventory of publicly owned lands and buildings of those sites which are no longer available for the development of affordable housing. An annual report shall be prepared and submitted to the Legislature which shall include an updated listing of available lands and buildings and such other information as is provided from state and local agencies as is required by this subsection.

1. The ~~Department of Environmental Protection~~ ~~Departments of Natural Resources~~, ~~the Department of~~ Transportation, and ~~the Department of~~ Corrections shall, once each year by March 1, submit to the Department of Community Affairs a list of those sites which appear on the inventory which have been sold or otherwise used for other purposes and are unavailable for the development of affordable housing. The aforementioned departments shall also include a list of those state sites which have become available for the development of affordable housing.

2. The Department of Community Affairs shall, once each year, request from each school board and local planning agency in counties for which the inventory has been completed a list of locally owned lands and buildings which may be suitable for the development of affordable housing for incorporation into the annual report.

3. The Department of Community Affairs shall provide such lists to local and regional housing and planning agencies and, upon request, to nonprofit and for-

profit housing developers for potential use in the development of affordable housing.

Section 456. Subsection (2) and paragraph (a) of subsection (7) of section 470.025, Florida Statutes, are amended to read:

470.025 Cinerator facility; licensure.—

(2) Application for licensure of cinerator facilities shall be on a form furnished and prescribed by the department and shall be accompanied by a nonrefundable license fee of up to \$300 as set by board rule. No license may be issued unless the cinerator facility has been inspected and approved as meeting all requirements as set forth by the department, the Department of Health and Rehabilitative Services, the Department of Environmental Protection Regulation, or any local ordinance regulating the same. The board shall establish by rule standards for cinerator facilities, including, but not limited to, requirements for refrigeration and storage of dead human bodies, use of forms and contracts, and record retention.

(7)(a) Each cinerator facility shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department, the Department of Environmental Protection Regulation, the Department of Health and Rehabilitative Services, and local government inspectors and by their agents. The board shall adopt rules which establish such inspection requirements.

Section 457. Subsections (2), (3), and (4) of section 489.133, Florida Statutes, are amended to read:

489.133 Pollutant storage systems specialty contractors; definitions; certification; restrictions.—

(2) The board shall adopt rules providing standards for registration of precision tank testers who precision test a pollutant storage tank. The Department of Environmental Protection Regulation shall approve the methodology, procedures, and equipment used and shall approve the applicant as being eligible for registration as a registered precision tank tester. A registered precision tank tester is subject to the provisions of ss. 489.129 and 489.132 and is considered a contractor operating as a primary qualifying agent for the business entity employing him, which is considered a contracting firm for the purposes of ss. 489.129 and 489.132. A person who registers under this subsection is exempt from municipal, county, or development district registration under s. 489.117 and may operate as a precision tank tester statewide.

(3) The board shall adopt rules providing standards for registration of internal pollutant storage tank lining applicators who internally line pollutant storage tanks as a method of upgrading or repairing pollutant storage tanks to prevent discharge of pollutants. The Department of Environmental Protection Regulation shall approve the methodology, procedures, and equipment used and shall approve the applicant as being eligible for registration as a registered internal pollutant storage tank lining applicator. A registered internal pollutant storage tank lining applicator is subject to the provisions of ss. 489.129 and 489.132, and shall be considered a contractor operating as a primary qualifying agent for the business entity employing him, which entity shall be considered a contracting firm for the purposes of ss. 489.129 and 489.132.

(4) The board shall adopt rules providing standards for certification of pollutant storage systems specialty contractors, including persons who remove such systems. The board shall provide the proposed rules to the Department of Environmental ~~Protection Regulation~~ for review and comment prior to adoption. The rules shall include, but not be limited to:

- (a) Standards for operating as a pollutant storage systems specialty contractor.
- (b) Requirements for certification as a pollutant storage systems specialty contractor.
- (c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the board.

Section 458. Subsection (1) of section 492.103, Florida Statutes, is amended to read:

492.103 Board of Professional Geologists.—

(1) There is created in the Department of ~~Business and Professional Regulation~~ a Board of Professional Geologists. The board shall consist of seven members, five of whom shall be professional geologists, and two of whom shall be lay persons who are not and have never been geologists or members of any closely related profession or occupation. The chief of the Bureau of Geology in the Department of ~~Environmental Protection Natural Resources~~, or his designee, shall serve as an ex officio member of the board. Members shall be appointed for 4-year terms.

Section 459. Subsection (2) of section 501.122, Florida Statutes, is amended to read:

501.122 Control of nonionizing radiations; laser; penalties.—

(2) **AUTHORITY TO ISSUE REGULATIONS.**—Except for electrical transmission and distribution lines and substation facilities subject to regulation by the Department of Environmental ~~Protection Regulation~~ pursuant to chapter 403, the Department of Health and Rehabilitative Services shall promulgate such rules and regulations as it may determine to be necessary to protect the health and safety of persons exposed to laser devices and other nonionizing radiation, including the user or any others who might come in contact with such radiation. The Department of Health and Rehabilitative Services is further authorized:

- (a) To develop a program for registration of laser devices and uses and of identifying and controlling sources and uses of other nonionizing radiations.
- (b) To maintain liaison with, and receive information from, industry, industry associations, and other organizations or individuals relating to present or future radiation-producing products or devices.
- (c) To study and evaluate the degree of hazard associated with the use of laser devices or other sources of radiation.
- (d) To establish and prescribe performance standards for laser and other radiation control if it determines that such standards are necessary for the protection of the public health.

(e) To amend or revoke any performance standard established under the provisions of this section.

Section 460. Paragraph (c) of subsection (2) of section 526.01, Florida Statutes, is amended to read:

526.01 Fraud and deception in sale of liquid fuel, lubricating oil, and greases; labeling; stop-sale order; penalty.—

(2)

(c) Previously used lubricating oil which has been rerefined by a refining process that has removed all the physical and chemical contaminants acquired in previous use and which meets the ASTM-SAE-API standards for fitness for its intended use is not subject to the labeling requirement of this subsection. A manufacturer of such rerefined oil shall register his product with the Department of Environmental ~~Protection Regulation~~ and provide an affidavit of proof that the product meets the required standards.

Section 461. Subsection (11) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(11) The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of s. 455.302 and to notify the Department of Environmental ~~Protection Regulation~~ of his intentions to remove asbestos, when applicable, in accordance with state and federal law.

Section 462. Subsection (30) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(30) In conjunction with its inspection duties under chapters 487, 525, and 576, to notify the Department of Environmental ~~Protection Regulation~~ of any tank subject to the registration requirements of chapter 17-61, Florida Administrative Code, for which proof of valid registration is not displayed on the tank, on the dispensing or measuring device connected to it, or, where appropriate, in the office or kiosk of the facility where the tank is located.

Section 463. Section 581.083, Florida Statutes, is amended to read:

581.083 Introduction or release of plant pests, noxious weeds, or organisms affecting plant life.—The introduction into or release within this state of any plant pest, noxious weed, genetically engineered plant or plant pest, or any other organism which may directly or indirectly affect the plant life of this state as an injurious pest, parasite, or predator of other organisms, or any arthropod, is prohibited, except under special permit issued by the department through the division, which shall be the sole issuing agency for such special permits. Except for research projects approved by the department, no permit for any parasitic organism shall be issued unless the department has determined that the parasite, predator, or biological control agent is a target organism or plant specific and not likely to become

a pest of plants or other beneficial organisms. The department may rely on findings of the Department of Environmental Protection Natural Resources and the United States Department of Agriculture in making any determination about organisms used for the biological control of aquatic plants.

Section 464. Subsection (2) of section 581.145, Florida Statutes, is amended to read:

581.145 Aquatic plant nursery registration; special permit requirements.—

(2) It shall be unlawful for any nursery or nursery stock dealer to import, transport, cultivate, collect, sell, or possess any noxious aquatic plant listed on the prohibited aquatic plant list established by the Department of Environmental Protection Natural Resources in s. 369.25(3)(a) without a special permit issued by the department.

(a) No special permit shall be issued until the department determines that the proposed activity poses no threat or danger to the waters, wildlife, natural resources, agriculture, or environment of the state.

(b) The department may not issue a special permit with respect to a prohibited aquatic plant species if the Department of Environmental Protection Natural Resources prohibits the importation, transportation, cultivation, collection, sale, or possession of the species.

Section 465. Subsection (4) of section 581.186, Florida Statutes, is amended to read:

581.186 Endangered Plant Advisory Council; organization; meetings; powers and duties.—

(4) COOPERATION.—The Division of Plant Industry, the Department of Environmental Protection Natural Resources, the Department of Transportation, and the Game and Fresh Water Fish Commission shall cooperate with the council whenever necessary to aid it in carrying out its duties under this section.

Section 466. Section 589.26, Florida Statutes, is amended to read:

589.26 Dedication of state park lands for public use.—The Division of Forestry is authorized and empowered, from time to time, to dedicate and reserve for the use of the public all or any part of the lands heretofore or hereafter acquired by the said Division of Forestry for park purposes; provided, however, that said dedication and reservation shall be subject to such rules and regulations, as to reasonable use by the public, as may be adopted by the Division of Recreation and Parks of the Department of Environmental Protection Natural Resources.

Section 467. Paragraph (b) of subsection (1) of section 597.003, Florida Statutes, is amended to read:

597.003 Powers and duties of Department of Agriculture and Consumer Services.—

(1) The department is hereby designated as the lead agency in encouraging the development of aquaculture activities in the state and shall have and exercise the following functions, powers, and duties with regard to aquaculture, which is the cultivation of animal and plant life in a water environment:

(b) Develop memorandums of agreement, as needed, with the Department of ~~Environmental Protection Natural Resources~~, the Florida Game and Fresh Water Fish Commission, the Florida Sea Grant Program, and other groups as provided in the state aquaculture plan.

Section 468. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental ~~Protection Regulation~~, the Department of Labor and Employment Security, ~~the Department of Natural Resources~~, the Marine Fisheries Commission, the Game and Fresh Water Fish Commission, the statewide consortium of universities under the Florida Institute of Oceanography, Florida A & M University, the Institute of Food and Agricultural Sciences at the University of Florida, the Florida Sea Grant Program, and each water management district. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

Section 469. Section 617.0122, Florida Statutes, is amended to read:

617.0122 Fees for filing documents and issuing certificates.—The Department of State shall collect the following fees on documents delivered to the department for filing:

- (1) Articles of incorporation: \$35.
- (2) Application for reserved name: \$35.
- (3) Notice of transfer of reserved name: \$35.
- (4) Application for registered name: \$87.50.
- (5) Application for renewal of registered name: \$87.50.
- (6) Corporation's statement of change of registered agent or registered office or both if not included on the annual report: \$35.
- (7) Designation of and acceptance by registered agent: \$35.
- (8) Agent's statement of resignation from active corporation: \$87.50.
- (9) Agent's statement of resignation from administratively dissolved corporation: \$35.
- (10) Amendment of articles of incorporation: \$35.
- (11) Restatement of articles of incorporation with amendment of articles: \$35.
- (12) Articles of merger for each party thereto: \$35.
- (13) Articles of dissolution: \$35.
- (14) Articles of revocation of dissolution: \$35.
- (15) Application for reinstatement following administrative dissolution: \$175.

- (16) Application for certificate of authority to transact business in this state by a foreign corporation: \$35.
- (17) Application for amended certificate of authority: \$35.
- (18) Application for certificate of withdrawal by a foreign corporation: \$35.
- (19) Annual report: \$61.25.
- (20) Articles of correction: \$35.
- (21) Application for certificate of status: \$8.75.
- (22) Certified copy of document: \$52.50.
- (23) Serving as agent for substitute service of process: \$87.50.
- (24) Supplemental corporate fee: \$138.75.
- (25) Any other document required or permitted to be filed by this chapter: \$35.

Any citizen support organization that is required by rule of the Department of Environmental Protection Natural Resources to be formed as a nonprofit organization and is under contract with the department is exempt from any fees required for incorporation as a nonprofit organization, and the Secretary of State may not assess any such fees if the citizen support organization is certified by the Department of Environmental Protection Natural Resources to the Secretary of State as being under contract with the Department of Environmental Protection Natural Resources.

Section 470. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) “Abandoned property” means all tangible personal property which does not have an identifiable owner and which has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or which has no apparent intrinsic value to the rightful owner. However, vessels determined to be derelict by the Department of Environmental Protection Natural Resources or a county or municipality in accordance with the provisions of s. 823.11 shall not be included in this definition.

Section 471. Subsections (2) and (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(2) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable

for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02(27), the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles or the Department of Environmental Protection Natural Resources, respectively, in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any. If, at the end of 5 days after posting the notice and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, the following shall apply:

(a) For abandoned property, the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender such property to the finder, sell the property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a

manner reasonably adequate to permit the rightful owner of the property to identify it.

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer shall notify the owner, if known, of the amount owed. In the case of an abandoned boat or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such boat or motor vehicle, or any other boat or motor vehicle, until such costs have been paid. The law enforcement officer shall supply the Department of Environmental Protection ~~Natural Resources~~ with a list of persons whose boat registration privileges have been revoked under this subsection and the Department of Motor Vehicles with a list of persons whose motor vehicle privileges have been revoked. Neither department nor any other person acting as agent thereof shall issue a certificate of registration to a person whose boat or motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 472. Paragraph (a) of subsection (1) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, or other specified officers; reclassification of offenses.—

(1)(a) As used in this section, the term "law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10, and any county probation officer; employee or agent of the Department of Corrections who supervises or provides services to inmates; officer of the Parole Commission; and law enforcement personnel of the Game and Fresh Water Fish Commission, the Department of Environmental Protection, or the Department of ~~and the Departments of Natural Resources and Law Enforcement.~~

Section 473. Subsection (2) of section 823.11, Florida Statutes, is amended to read:

823.11 Abandoned and derelict vessels; removal; penalty.—

(2) The Department of Environmental Protection ~~Natural Resources~~, Division of Marine Resources, is hereby designated as the agency of the state authorized and empowered to remove or cause to be removed any abandoned or derelict vessel from public waters in any instance when the same obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment. All costs incurred by the department in the removal of any abandoned or derelict vessel as set out above shall be recoverable against the owner thereof. Pursuant to an agreement with the governing body of a county or municipality, and upon a finding by the division that the county or municipality is competent to undertake said responsibilities, the division may delegate to the county or municipality its authority to remove or cause to be removed an abandoned or derelict vessel from public waters within the county or municipality.

Section 474. Subsection (1) of section 832.06, Florida Statutes, is amended to read:

832.06 Prosecution for worthless checks given tax collector for licenses or taxes; refunds.—

(1) Whenever any person, firm, or corporation violates the provisions of s. 832.05 by drawing, making, uttering, issuing, or delivering to any county tax collector any check, draft, or other written order on any bank or depository for the payment of money or its equivalent for any tag, title, lien, tax (except ad valorem taxes), penalty, or fee relative to a boat, airplane, or motor vehicle; any occupational license, beverage license, or sales or use tax; or any hunting or fishing license, the county tax collector, after the exercise of due diligence to locate the person, firm, or corporation which drew, made, uttered, issued, or delivered the check, draft, or other written order for the payment of money, or to collect the same by the exercise of due diligence and prudence, shall swear out a complaint in the proper court against the person, firm, or corporation for the issuance of the worthless check or draft. If the state attorney cannot sign the information due to lack of proof, as determined by the state attorney in good faith, for a prima facie case in court, he shall issue a certificate so stating to the tax collector. If payment of the dishonored check, draft, or other written order, together with court costs expended, is not received in full by the county tax collector within 30 days after service of the warrant, 30 days after conviction, or 60 days after the collector swears out the complaint or receives the certificate of the state attorney, whichever is first, the county tax collector shall make a written report to this effect to the Department of Highway Safety and Motor Vehicles relative to airplanes and motor vehicles, to the Department of Environmental Protection Natural Resources relative to boats, to the Department of Revenue relative to occupational licenses and the sales and use tax, to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or to the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, containing a statement of the amount remaining unpaid on the worthless check or draft. If the information is not signed, the certificate of the state attorney is issued, and the written report of the amount remaining unpaid is made, the county tax collector may request the sum be forthwith refunded by the appropriate governmental entity, agency, or department. If a warrant has been issued and served, he shall certify to that effect, together with the court costs and amount remaining unpaid on the check. The county tax collector may request that the sum of money certified by him be forthwith refunded by the Department of Highway Safety and Motor Vehicles, the Department of Environmental Protection Natural Resources, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission to the county tax collector. Within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, the Department of Environmental Protection Natural Resources, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate of the tax collector, or the report, shall refund to the county tax collector the sums of money so certified or reported. If any officer of any court issuing the warrant is unable to serve it within 60 days after the issuance and delivery of it to the officer for service, the officer shall make a written return to the county tax collector to this effect. Thereafter, the county

tax collector may certify that the warrant has been issued and that service has not been had upon the defendant and further certify the amount of the worthless check or draft and the amount of court costs expended by the county tax collector, and the county tax collector may file the certificate with the Department of Highway Safety and Motor Vehicles relative to motor vehicles and airplanes, with the Department of ~~Environmental Protection Natural Resources~~ relative to boats, with the Department of Revenue relative to occupational licenses and the sales and use tax, with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or with the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, together with a request that the sums of money so certified be forthwith refunded by the Department of Highway Safety and Motor Vehicles, the Department of ~~Environmental Protection Natural Resources~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission to the county tax collector, and within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, the Department of ~~Environmental Protection Natural Resources~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate, shall refund the sums of money so certified to the county tax collector.

Section 475. Section 843.08, Florida Statutes, is amended to read:

843.08 Falsely personating officer, etc.—Whoever falsely assumes or pretends to be a sheriff, officer of the Florida Highway Patrol, officer of the Game and Fresh Water Fish Commission, officer of the Department of ~~Environmental Protection Natural Resources~~, deputy sheriff, state attorney investigator, coroner, police officer, lottery special agent or lottery investigator, beverage enforcement agent, or watchman, or any member of the Parole Commission and any administrative aide or supervisor employed by said commission, or any personnel or representative of the Department of Law Enforcement, and takes upon himself to act as such, or to require any person to aid or assist him in a matter pertaining to the duty of any such officer, shall be deemed guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083; provided, however, that whoever falsely personates a police officer during the course of the commission of a felony shall be deemed guilty of a felony of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 476. Paragraph (a) of subsection (1) and subsection (3) of section 860.20, Florida Statutes, are amended to read:

860.20 Outboard motors; identification numbers.—

(1)(a) The Department of ~~Environmental Protection Natural Resources~~ shall ~~adopt promulgate rules not later than October 1, 1984,~~ specifying the locations and manner in which serial numbers for outboard motors shall be affixed. In adopting such rules, the department shall consider the adequacy of voluntary industry standards, the current state of technology, and the overall purpose of reducing vessel and motor thefts in the state.

(3) If any of the serial numbers required by this section to identify ownership of an outboard motor do not exist or have been removed, erased, defaced, or other-

wise altered to prevent identification and its true identity cannot be determined, the outboard motor may be seized as contraband property by a law enforcement agency and shall be subject to forfeiture pursuant to ss. 932.701-932.704. Such outboard motor may not be sold or used to propel a vessel on the waters of the state unless the Division of Law Enforcement of the Department of Environmental Protection Natural Resources is directed by written order of a court of competent jurisdiction to issue to the outboard motor a replacement identifying number which shall be affixed to the outboard motor and shall thereafter be used for identification purposes.

Section 477. Section 870.04, Florida Statutes, is amended to read:

870.04 Specified officers to disperse riotous assembly.—If any number of persons, whether armed or not, are unlawfully, riotously or tumultuously assembled in any county, city or municipality, the sheriff or his deputies, or the mayor, or any commissioner, councilman, alderman or police officer of the said city or municipality, or any officer or member of the Florida Highway Patrol, or any officer or agent of the Game and Fresh Water Fish Commission, Department of Environmental Protection Natural Resources, or beverage enforcement agent, any personnel or representatives of the Department of Law Enforcement or its successor, or any other peace officer, shall go among the persons so assembled, or as near to them as may be with safety, and shall in the name of the state command all the persons so assembled immediately and peaceably to disperse; and if such persons do not thereupon immediately and peaceably disperse, said officers shall command the assistance of all such persons in seizing, arresting and securing such persons in custody; and if any person present being so commanded to aid and assist in seizing and securing such rioter or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, or, when required by such officers to depart from the place, refuses and neglects to do so, he shall be deemed one of the rioters or persons unlawfully assembled, and may be prosecuted and punished accordingly.

Section 478. Paragraph (c) of subsection (1) and paragraphs (a) and (e) of subsection (2) of section 895.09, Florida Statutes, are amended to read:

895.09 Disposition of funds obtained through forfeiture proceedings.—

(1) A court entering a judgment of forfeiture in a proceeding brought pursuant to s. 895.05 shall retain jurisdiction to direct the distribution of any cash or of any cash proceeds realized from the forfeiture and disposition of the property. The court shall direct the distribution of the funds in the following order of priority:

(c) Any claim by the Board of Trustees of the Internal Improvement Trust Fund on behalf of the Forfeited Property Trust Fund or the Land Acquisition Trust Fund pursuant to s. 253.03(13), not including administrative costs of the Department of Environmental Protection Natural Resources previously paid directly from the Forfeited Property Trust Fund in accordance with legislative appropriation.

(2)(a) Following satisfaction of all valid claims under subsection (1), 25 percent of the remainder of the funds obtained in the forfeiture proceedings pursuant to s. 895.05 shall be deposited as provided in paragraph (b) into the appropriate trust fund of the Department of Legal Affairs or state attorney's office which filed the civil forfeiture action; 25 percent shall be deposited as provided in paragraph (c)

into the law enforcement trust fund of the investigating law enforcement agency conducting the investigation which resulted in or significantly contributed to the forfeiture of the property; 25 percent shall be deposited as provided in paragraph (d) in the Substance Abuse Trust Fund of the Department of Health and Rehabilitative Services; and the remaining 25 percent shall be deposited in the Forfeited Property Trust Fund of the Department of Environmental Protection Natural Resources. When a forfeiture action is filed by the Department of Legal Affairs or a state attorney, the court entering the judgment of forfeiture shall, taking into account the overall effort and contribution to the investigation and forfeiture action by the agencies that filed the action, make a pro rata apportionment among such agencies of the funds available for distribution to the agencies filing the action as provided in this section. If multiple investigating law enforcement agencies have contributed to the forfeiture of the property, the court which entered the judgment of forfeiture shall, taking into account the overall effort and contribution of the agencies to the investigation and forfeiture action, make a pro rata apportionment among such investigating law enforcement agencies of the funds available for distribution to the investigating agencies as provided in this section.

(e) On a quarterly basis, any excess funds, including interest, over \$1 million deposited in the Forfeited Property Trust Fund of the Department of Environmental Protection Natural Resources in accordance with paragraph (a) shall be deposited in the Substance Abuse Trust Fund of the Department of Health and Rehabilitative Services.

Section 479. Paragraph (b) of subsection (5) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(5) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(b) The Department of Environmental Protection Natural Resources, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Motorboat Revolving Trust Fund to be used for law enforcement purposes.

Section 480. Section 943.1728, Florida Statutes, is amended to read:

943.1728 Basic skills training relating to the protection of archaeological sites. The commission shall establish standards for instruction of law enforcement officers in the subject of skills relating to the protection of archaeological sites and artifacts. In developing such standards and skills, the commission shall consult with representatives of the following agencies: the Division of Historical Resources of the Department of State, the Game and Fresh Water Fish Commission, and the Department of Environmental Protection Natural Resources. The commission shall develop the standards, ~~for implementation by July 1, 1993,~~ for training in any of the following: basic recruit courses, advanced and specialized courses, or other appropriate training courses as determined by the commission.

Section 481. Effective October 1, 1994, subsections (1) and (2) of section 370.021, Florida Statutes, are amended to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(1) **RULES AND REGULATIONS.**—The Department of Environmental Protection ~~Natural Resources~~ shall make, adopt, promulgate, amend, and repeal all rules and regulations necessary or convenient for the carrying out of the duties, obligations, powers, and responsibilities conferred on the department or any of its divisions. The director of each division shall submit to the department suggested rules and regulations for that division. Any person violating or otherwise failing to comply with any of the rules and regulations adopted as aforesaid is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless otherwise provided by law.

(2) **PENALTY FOR VIOLATION.**—Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, any rule of the department adopted pursuant to this chapter, or any rule of the Marine Fisheries Commission, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12 months, by imprisonment for not more than 6 months or by a fine of not less than \$250 nor more than \$1,000, or by both such fine and imprisonment.

(c) In addition to the penalties provided in paragraphs (a) and (b), the court shall assess additional penalties against any person, firm, or corporation convicted of major violations as follows:

1. For a violation involving more than 100 illegal crawfish or stone crabs, an additional penalty of \$10 for each illegal crawfish, stone crab, or part thereof.

2. For a violation involving the taking or harvesting of shrimp from a nursery or other prohibited area, an additional penalty of \$10 for each pound of illegal shrimp or part thereof.

3. For a violation involving the taking or harvesting of oysters from nonapproved areas or the taking or possession of unculled oysters, an additional penalty of \$10 for each bushel of illegal oysters.

4. For a violation involving the taking or harvesting of clams from nonapproved areas, an additional penalty of \$100 for each 500 count bag of illegal clams.

5. For a violation involving the taking, harvesting, or possession of any of the following species, which are endangered, threatened, or of special concern:

- a. Shortnose sturgeon (*Acipenser brevirostrum*);
- b. Atlantic sturgeon (*Acipenser oxyrinchus*);
- c. Common snook (*Centropomus undecimalis*);
- d. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- e. Atlantic green turtle (*Chelonia mydas mydas*);
- f. Leatherback turtle (*Dermochelys coriacea*);
- g. Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*);
- h. Atlantic ridley turtle (*Lepidochelys kempii*); or

- i. West Indian manatee (*Trichechus manatus latirostris*),

an additional penalty of \$100 for each unit of marine life or part thereof.

6. For a second or subsequent conviction within 24 months for any violation of the same law or rule involving the taking or harvesting of more than 100 pounds of any finfish, an additional penalty of \$5 for each pound of illegal finfish.

7. For any violation involving the taking, harvesting, or possession of more than 1,000 pounds of any illegal finfish, an additional penalty equivalent to the wholesale value of the illegal finfish.

8.a. In addition to being subject to the other penalties provided in this chapter, any intentional violation of Rule 46-4.007(1), Florida Administrative Code, shall be considered a major violation, and any person, firm, or corporation committing such violation shall be subject to the following additional penalties:

I. For a first violation within a 7-year period, suspension of the saltwater products license for 90 days.

II. For a second major violation within a 7-year period, a civil penalty of \$5,000 and suspension of the saltwater products license for 12 months.

III. For a third or subsequent major violation within a 7-year period, a civil penalty of \$5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation.

b. During any period of license suspension or revocation under this section, the licensee may not fish from any vessel that is harvesting saltwater products.

c. The Department of Environmental Protection may bring a civil action to enforce the civil penalties prescribed in this section.

Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any major violation prescribed in this paragraph.

(d) The proceeds from the penalties assessed pursuant to paragraph (c) shall be deposited into the Marine Biological Research Trust Fund to be used for marine fisheries research.

(e) Permits issued to any person, firm, or corporation by the department to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the department, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in paragraph (c):

1. Upon a second conviction for a violation which occurs within 12 months after a prior violation, for up to 60 days.

2. Upon a third conviction for a violation which occurs within 24 months after a prior violation, for up to 180 days.

3. Upon a fourth conviction for a violation which occurs within 36 months after a prior violation, for a period of 6 months to 3 years.

(f)1. In cases involving the intentional or unintentional killing of any species of tarpon, snook in excess of five fish per person, sailfish, or bonefish during a fishing operation wherein the targeted species is legal to harvest, the method of fishing and type of gear used are legal, and the fish are killed as a direct result of such otherwise legal fishing operations, the department shall assess a civil penalty of \$100 for each snook killed in excess of five fish per person, or tarpon, sailfish, or bonefish killed in excess of any bag limit. In collecting penalties, the department shall assess an equal share of the applicable penalty to each fisherman actually involved in the fishing operation.

2. The civil penalty shall be paid in full to the department within 30 calendar days of official notification. The department may suspend the saltwater products license or other saltwater fishing license of any person or boat not paying the required civil penalty within the specified time period. Persons contesting the assessment of any civil penalties or any license suspension pursuant to this section shall be entitled to a hearing pursuant to the provisions of chapter 120.

3. All moneys collected by the department pursuant to this paragraph shall be deposited into the Marine Biological Research Trust Fund.

Section 482. Paragraph (e) of 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:

(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 400 watercraft used exclusively for sport, pleasure, or commercial fishing with all necessary approvals pursuant to chapters 253, 373, and 403 and located outside Outstanding Florida Waters and Class II waters; or

d. 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.

e. 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, in order for any exception from requirements for development-of-regional-impact review to apply to a particular waterport or marina development, the Department of Environmental Protection Natural Resources must determine in writing through the issuance of an order that the marina 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. The Any Department of Environmental Protection determination Natural Resources order 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 1.b. and subparagraph 2.

(f)

Section 483. Subsection (6) of section 377.075, Florida Statutes, is hereby repealed.

Section 484. The Department of Environmental Protection is authorized to transfer 77 full-time equivalent positions from the Division of Recreation and Parks to the Division of Law Enforcement for the purpose of better providing for the department's law enforcement needs within the state park system. The department is authorized to assign additional law enforcement duties to these positions in order to ensure maximum utilization of the department's manpower resources in the most economically efficient manner. These transferred positions will be given full powers as designated in s. 370.021, Florida Statutes.

Section 485. Section 161.055, Florida Statutes, is created to read:

161.055 Concurrent processing of permits. —

(1) When an activity for which a permit is required under this chapter also requires a permit, authorization, or approval described in paragraph (2)(b), the department may, by rule, provide that the activity may be undertaken only upon receipt of a single permit from the department called a "joint coastal permit," as provided in this section.

(2) The department may adopt rules requiring concurrent application submittal and establishing a concurrent review and permitting procedure for any activity regulated under this chapter that also requires one or more of the permits, authorizations, or approvals described in paragraph (a) or paragraph (b). The rules must establish concurrent procedures for processing applications under this part with one or more of the permits, authorizations, or approvals described in paragraph (a) or paragraph (b). An applicant that proposes such an activity must submit, as part of the permit application under this chapter, all information necessary to satisfy the requirements for issuance of any required:

(a) Proprietary authorization under chapters 253 and 258 to use submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund; and

(b) Environmental resource permit or dredge and fill permit under part IV of chapter 373.

The timeframes for license approval or denial set forth in s. 120.60(2) do not commence until all required information is received. The rules authorized under this section may also require submittal of such information as is necessary to determine whether the proposed activity will occur on submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, and shall contain provisions for permit processing and issuance of orders which are consistent with s. 373.427 and provisions for providing notice of applications which are consistent with s. 373.413. Authorization under this subsection may not be issued unless the requirements for issuance of any additional required authorizations, permits, waivers, variances, and approvals described in paragraph (a) or paragraph (b) are also satisfied.

(3) The review of agency action on an application for issuance of a joint coastal permit must be as provided in s. 373.4275.

Section 486. Section 161.0535, Florida Statutes, is amended to read:

161.0535 Permits; fees, costs.—The department may establish by rule a fee schedule and may assess fees for the filing, processing, and issuance of permits issued under pursuant to ss. 161.041 and 161.053. The fee schedule must shall contain categories of permits based on the varying costs of evaluating applications for different types of proposed construction. The fee schedule must shall be based on the actual costs of administering these permitting programs. Moneys from fees assessed under pursuant to this section must shall be deposited into the Beach Management Trust Fund. The department may also assess the applicant for the costs of public notice by publication prior to the consideration of these permit applications; alternatively, the department may require an applicant to publish, at the applicant's expense, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a notice of the intended agency action.

Section 487. Section 161.141, Florida Statutes, is amended to read:

161.141 Property rights of state and private upland owners in beach restoration project areas.—

(1) The Legislature hereby declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach renourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees must shall establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project shall

remain the property of the upland owner subject to all governmental regulations and ~~are shall not to~~ be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. ~~The~~ ~~Such~~ resulting additions to upland property ~~are shall~~ also be subject to a public easement for traditional uses of the sandy beach consistent with uses ~~that which~~ would have been allowed prior to the need for ~~the such~~ restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his property. If an authorized beach restoration, beach renourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, ~~the then such~~ taking ~~must shall~~ be made by the requesting authority by eminent domain proceedings.

~~(2) When the Department of Environmental Regulation has received all information necessary to evaluate the impact of the proposed project pursuant to chapter 403 and has concluded its evaluation, it shall notify the applicant within 10 days whether it intends to issue or deny the permit, regardless of whether the Board of Trustees of the Internal Improvement Trust Fund has given its consent to the use of state lands as required by s. 253.77. However, no construction on any beach restoration or beach renourishment project may be initiated without complying with the provisions of s. 253.77.~~

Section 488. Section 253.002, Florida Statutes, is amended to read:

253.002 Department of Environmental Protection and water management districts; duties with respect to state lands.—

(1) The Department of Environmental Protection shall perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. However, upon the effective date of rules adopted pursuant to s. 373.427, a water management district created under s. 373.069 shall perform the staff duties and functions related to the review of any application for authorization to use board of trustees owned submerged lands necessary for an activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4). Unless expressly prohibited by law, the board of trustees may delegate to the department any statutory duty or obligation relating to the acquisition, administration, or disposition of lands, title to which is or will be vested in the board of trustees. The board of trustees may also delegate to any water management district created under s. 373.069 the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees owned submerged lands for any activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4). This water management district responsibility under this subsection shall be subject to the department's general supervisory authority pursuant to s. 373.026(7).

(2) Delegations to the department or a water management district of authority to take final agency action on applications for authorization to use submerged lands owned by the board of trustees, without any action on behalf of the board of trustees, shall be by rule. Until rules adopted pursuant to this subsection be-

come effective. existing delegations by the board of trustees shall remain in full force and effect. However, the board of trustees is not limited or prohibited from amending these delegations. By December 31, 1995, the board of trustees shall adopt by rule any delegations of its authority to take final agency action without action by the board of trustees on applications for authorization to use board of trustees owned submerged lands. Any final agency action, without action by the board of trustees, taken by the department or water management district on applications to use board of trustees owned submerged lands shall be subject to the provisions of s. 373.4275. Notwithstanding any other provision of this subsection, the board of trustees, the Department of Legal Affairs, and the department retain the concurrent authority to assert or defend title to submerged lands owned by the board of trustees.

Section 489. Paragraph (b) of subsection (1) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(1)

(b) All revenues ~~received~~ derived from application fees charged by the Division of State Lands for the use in any manner, lease, conveyance, or release of any interest in or for the sale of state lands, except revenues from such fees charged for aquaculture leases under pursuant to s. 253.71(2), must shall be deposited placed into the Internal Improvement Trust Fund. The fees charged by the division for reproduction of records relating to state lands must shall also be placed into the fund.

Section 490. Subsections (11) and (14) of section 253.03, Florida Statutes, are amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(11) The Board of Trustees of the Internal Improvement Trust Fund may adopt rules to provide for the assessment and collection of reasonable fees, commensurate with the actual cost to the board, for disclaimers, easements, exchanges, gifts, leases, releases, or sales of any interest in lands or any applications therefor and for reproduction of documents. All revenues received from the application fees charged by a water management district to process applications that include a request to use state lands are to be retained by the water management district.

(14) For applications not reviewed pursuant to s. 373.427, the department must review applications ~~Within 30 days after receipt of an application~~ for the use of state-owned submerged lands ~~in connection with a permit under chapter 403,~~ including a purchase, lease, easement, disclaimer, or other consent to use such lands ~~requiring action by the Board of Trustees of the Internal Improvement Trust Fund, the Division of State Lands shall review such application or request and~~ must shall request submittal of all additional information necessary to process the application. Within 30 days after receipt of ~~the such~~ additional information, ~~the department must~~ division shall review the information submitted and may request only that information needed to clarify ~~the such~~ additional information, to process the appropriate form of approval indicated by the additional information, or to answer those questions raised by, or directly related to, ~~the such~~ additional information. An application for the authority to use state-owned submerged land must ~~which requires board action shall~~ be approved, denied, or submitted to the board

~~of trustees for its approval or denial within 90 days after receipt of the original application or the last item of timely requested additional information. This time is shall be tolled by any notice requirements of and public hearing held pursuant to s. 253.115 or any hearing held under pursuant to s. 120.57. If the review of the application is not completed within the 90-day period, the department must report quarterly to the board the reasons for the failure to complete the report division shall submit in the quarterly report of the department to the board the reasons for not completing the review of the application and provide an estimated date by which the application will be approved or denied submitted to the board for its action. Failure to comply with these time periods shall not result in approval by default.~~

Section 491. Section 253.115, Florida Statutes, is amended to read:

253.115 Public notice and hearings.—

(1) After receiving an application in compliance with such forms as may be required by this chapter requesting the board to sell, exchange, or lease, or grant an easement on, over, under, above, or across any land to which it holds title, the board must provide shall arrange for publishing notice of the application. The notice shall include the name and address of the applicant; a brief description of the proposed activity and any mitigation; the location of the proposed activity, including whether it is located within an Outstanding Florida Water or aquatic preserve; a map identifying the location of the proposed activity subject to the application; a diagram of the limits of the proposed activity; and a name or number identifying the application and the office where the application can be inspected, and any other information required by rule. A copy of this notice shall be sent to those persons who have requested to be on a mailing list and in a newspaper published in the county in which the lands are located not less than once a week for 3 consecutive weeks and for mailing copies of such notice by certified or registered mail to each owner of land lying within 500 feet of the land proposed to be leased, sold, or exchanged, or subject to an easement, addressed to such owner as his name and address appears on the latest county tax assessment roll.

(2) The board of trustees, the department, or a water management district, as is appropriate, shall consider comments and objections received in response to the public notice required by s. 253.115 in reaching its decision to approve or deny use of board of trustees owned lands for a proposed activity. In the event that substantive objections are raised, the department or water management district may hold an informal public hearing in the county in which the proposed activity lies. If the board of trustees, the department, or a water management district, as is appropriate, determines that the sale, lease, exchange, or granting of an easement is not contrary to the public interest, or is in the public interest when required by law, it may approve the proposed activity. The sale of sovereignty submerged lands shall require a determination that the proposed sale is in the public interest.

(3)(2) The board may also publish, or require an applicant to publish, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a notice of intended agency action. The board shall also provide notice of intended agency action to the applicant and to those who have requested a copy of the intended agency action for that application. If no written objections are filed within 30 days after the date of first publication of the notice, and if the board finds that the proposed lease, sale, or exchange is not incompatible with the

public interest, the board has authority to consummate the contract. However, failure to mail the notice to all landowners as set out in subsection (1) shall not invalidate the conveyance.

~~(4)(3)~~ Failure to provide the notice as set out in subsections (1) and (3) shall not invalidate the sale, exchange, lease, or easement. If written objections are filed, the board shall consider them in determining whether or not to consummate the contract. Any required hearing shall be held in the county in which the lands are located. If the lands are located in more than one county, the required hearing may be held in any county in which the lands lie. Timely notice of the hearing shall be given by at least one publication in a newspaper published in the county in which the lands are located and by certified or registered mail to each owner of land lying within 500 feet of the land proposed to be leased, sold, or exchanged, addressed to such owner as his name and address appears on the latest county tax assessment roll, in addition to any notice required by chapter 120.

~~(5)(4)~~ The notice and publication requirements of this section do does not apply to:

(a) The release of any reservations contained in Murphy Act deeds or deeds of the board of trustees;

(b) Any conveyance of land lying landward of the line of mean high water, which land does not exceed 5 acres in area;

(c) Any lands covered by the provisions of ss. 253.12(6), (9), and (10), and 253.129;

~~(d) The lease or easement for of any land when the land is being leased to a state agency or political subdivision of the state;~~

~~(e) Sovereignty land easements leases for existing activities completed structures built prior to March 27, 1982;~~

(f) The conversion of existing marina licenses to sovereignty land leases;

~~(g) Sovereignty land leases for registered and existing unregistered grandfathered facilities; existing structures built on or after March 27, 1982, if all required federal, state, or local permits have been obtained; or~~

~~(h) The conveyance of lands pursuant to the provisions of s. 373.4592(4)(b); or~~

~~(i) Renewals, modifications, or assignments.~~

(6) The board may establish alternative notice requirements to those in subsections (1) and (3), including a waiver of notice, if adopted by rule for proposed activities under this section which also qualify for a general permit pursuant to chapter 373. Such alternative notice requirements shall take into account the nature and scope of the proposed activities and the effect on other persons.

~~(7)(5)~~ In the disposition of parcels of state-owned uplands, the Board of Trustees of the Internal Improvement Trust Fund may procure real estate sales services, including open listings, exclusive listings, or auction or other appropriate services, to facilitate the sale of such lands.

Section 492. Subsection (3) of section 253.12, Florida Statutes, is amended to read:

253.12 Title to tidal lands vested in state.—

(3) After receiving application in compliance with such forms as may be required to show clearly what is intended to be accomplished in any proposed development of said lands and the manner in which said development will be accomplished, and after making the determination required by paragraph (2)(a), the board shall give notice ~~as provided by s. 253.115, by publication in a newspaper published in the county in which such islands or submerged lands are located, not less than once a week for 3 consecutive weeks, and mail copies of such notice by certified or registered mail to each riparian owner of upland lying within 1,000 feet of the island or submerged land proposed to be conveyed, addressed to such owner as his name and address appear upon the latest county tax assessment roll, in order that any persons who have objections to the sale or conveyance may have the opportunity to present the same. If no objections are filed within 30 days after the date of first publication of the aforesaid notice, the board has authority to consummate such sale or conveyance except as hereinafter provided. However, failure to mail the notice herein provided to such riparian upland owners shall not invalidate such sale or conveyance or the title or interest conveyed by the board pursuant thereto.~~

Section 493. Section 253.52, Florida Statutes, is amended to read:

253.52 Placing oil and gas leases on market by board.—Whenever in the opinion of the Board of Trustees of the Internal Improvement Trust Fund there shall be a demand for the purchase of oil and gas leases on any area, tract, or parcel of the land so owned, controlled, or managed, by any state board, department, or agency, then the board shall place such oil and gas lease or leases on the market in such blocks, tracts, or parcels as it may designate. The lease or leases shall only be made after notice by publication thereof has been made not less than once a week for 4 consecutive weeks in a newspaper of general circulation published in Leon County, and in a similar newspaper for a similar period of time published in the vicinity of the lands offered to be leased, the last publication in both newspapers to be not less than 5 days in advance of the sale date. Such notice shall be to the effect that a lease or leases will be offered for sale at such date and time as may be named in said notice and shall describe the land upon which such lease, or leases, will be offered. This notice may be combined with the notice required pursuant to s. 253.115. Before any lease of any block, tract, or parcel of land, submerged, or unsubmerged, within a radius of 3 miles of the boundaries of any incorporated city, or town, or within such radius of any bathing beach, or beaches, outside thereof, such board, department, or agency, shall through one or more of its members hold a public hearing, after notice thereof by publication once in a newspaper of general circulation published at least 1 week prior to said hearing in the vicinity of the land, or lands, offered to be leased, of the offer to lease the same, calling upon all interested persons to attend said hearing where they would be given the opportunity to be heard, all of which shall be considered by the board prior to the execution of any lease or leases to said land, and the board may withdraw said land, or any part thereof, from the market, and refuse to execute such lease or leases if after such hearing, or otherwise, it considers such execution contrary to the public welfare. Before advertising any land for lease the form of the lease or leases to be offered for sale, not inconsistent with law, or the provisions of this section, shall be prescribed by the board and a copy, or copies, thereof, shall be available to the general public at the office of the Board of Trustees of the Internal Improvement Trust Fund and the advertisements of such sale shall so state.

Section 494. Section 253.70, Florida Statutes, is amended to read:

253.70 Public notice and hearings.—

(1) Upon receiving an application under this act that satisfactorily sets forth the information required by s. 253.69, the board shall give notice of the application as provided by s. 253.115 by publication in a newspaper published in the county in which the submerged lands are located not less than once a week for 3 consecutive weeks and mail copies of such notice by certified or registered mail to each riparian owner of upland lying within 1,000 feet of the submerged land proposed to be leased, addressed to such owner as his name and address appears on the latest county tax assessment roll.

(2) ~~If no written objections are filed within 30 days after the date of first publication of the notice and if the board finds that the proposed lease is not incompatible with the public interest, the board has authority to consummate the lease contract as hereinafter provided. However, failure to mail the notice to the riparian upland owners shall not invalidate such lease.~~

(3) ~~If written objections are filed, the board shall proceed to determine the same. Any required hearing shall be held in the county from which the application was received. Timely notice of such hearing shall be given by at least one publication in a newspaper published in the county in which the submerged lands are located and by certified or registered mail to each riparian owner of upland lying within 1,000 feet of the submerged land proposed to be leased, addressed to such owner as his name and address appears on the latest county tax assessment roll, in addition to any other notice required by law.~~

Section 495. Section 253.77, Florida Statutes, is amended to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested; concurrent processing requirements.—

(1) ~~A No person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the board of trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under this chapter, until the such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.~~

(2) For applications that are processed concurrently under s. 373.427, the applicant must submit, as part of the application under this part, any information necessary to satisfy the requirements for issuance of any required:

(a) Environmental resource permit or dredge and fill permit under part IV of chapter 373;

(b) Coastal construction permit under s. 161.041;

(c) Coastal construction control line permit under s. 161.053; and

(d) Waiver or variance of the setback requirements under s. 161.052.

Authorization under this section may not be issued unless the requirements for issuance of any additional required authorizations, permits, waivers, variances, and

approvals described in paragraphs (a) through (d) are also satisfied. The final action on an authorization issued under this subsection shall be subject to s. 373.4275.

~~(2) The permitting agency shall, within 30 days after receipt of a permit application, notify the applicant and the executive director of the Department of Natural Resources or his designee that a lease, license, easement, or other form of consent of the Board of Trustees of the Internal Improvement Trust Fund authorizing the proposed use may be required. However, this subsection does not apply to any permit, license, or other form of consent to take the regulated action which was issued and outstanding on July 1, 1980.~~

~~(3) This act does not apply to any permit, license, or other form of consent to take the regulated action which was issued and outstanding on June 23, 1976.~~

~~(3)(4)~~ Notwithstanding any other provisions of this chapter, a riparian owner may selectively trim or alter mangroves on adjacent, publicly owned submerged lands, ~~if provided that~~ the selective trimming or alteration is in compliance with the requirements of ss. 403.93-403.938, including any required permit under ss. 403.93-403.938.

Section 496. Paragraph (b) of subsection (3) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(3) **AUTHORITY OF TRUSTEES.**—The Board of Trustees of the Internal Improvement Trust Fund is authorized and directed to maintain the aquatic preserve hereby created pursuant and subject to the following provisions:

(b) No further dredging or filling of submerged lands of the preserve shall be approved or tolerated by the board of trustees except:

1. Such minimum dredging and spoiling as may be authorized for public navigation projects or for such minimum dredging and spoiling as may be constituted as a public necessity or for preservation of the bay according to the expressed intent of this section.

2. Such other alteration of physical conditions, including the placement of rip-rap, as may be necessary to enhance the quality and utility of the preserve.

3. Such minimum dredging and filling as may be authorized for the creation and maintenance of marinas, piers, and docks and their attendant navigation channels and access roads. Such projects may only be authorized upon a specific finding by the board of trustees that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality and utility of the preserve. This subparagraph shall not authorize the connection of upland canals to the waters of the preserve.

4. Such dredging as is necessary for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, islands, and spoil banks, the dredging of which would enhance the aesthetic and environmental quality and utility of the preserve and be clearly in the public interest as determined by the board of trustees.

Any dredging or filling under this subsection or improvements under subsection (5) shall be approved only after public notice as provided by s. 253.115, and, upon the request of any person, a public hearing in the area affected; however, the public notice and meeting requirements of this subsection shall not apply to general permits issued under s. 403.814. ~~Nothing herein shall be construed to abrogate the rights of any person under the provisions of chapter 120. In addition to any public notice otherwise required by law, public notice pursuant to this subsection shall be provided by United States mail to any person who requests, in writing, to have his name placed on a mailing list by the Department of Environmental Regulation.~~

Section 497. Paragraph (c) of subsection (3) of section 258.43, Florida Statutes, is amended to read:

258.43 Rules and regulations.—

(3) The Board of Trustees of the Internal Improvement Trust Fund may delegate to a local government, by agreement, the power and duty to administer and enforce the standards and criteria established in a resource inventory and management plan adopted by the board, if the board determines that such a delegation is in the public interest.

(c) The board shall give prior notice of its intention to enter into an agreement as described in this subsection, as provided by s. 253.115. ~~At a minimum, such notice shall be published in the Florida Administrative Weekly at least 21 days in advance of the board's action.~~ The Division of State Lands of the Department of Environmental Protection Natural Resources shall update its rules annually to include a list of the management agreements adopted pursuant to this subsection. The list shall identify the parties to, and the date and location of, each agreement, and shall specify the nature of the authority delegated by the agreement.

Section 498. Section 270.07, Florida Statutes, is amended to read:

270.07 Certain public lands not to be sold without advertisement.—~~Any No~~ lands in the state that are now, or may hereafter be, vested in the Board of Trustees of the Internal Improvement Trust Fund of the state may not shall be sold, conveyed, or disposed of by the said board of trustees until notice as provided in s. 253.115 has ~~by publication shall have been given for the full term of 30 days prior to such sale; however provided, that this section does shall~~ not apply to homestead, railroad, or canal grants, as now provided for by law, nor to any conveyance under pursuant to the provisions of s. 253.111.

Section 499. Section 270.08, Florida Statutes, is amended to read:

270.08 Notice of sale of public lands ~~by advertisement~~.—When the Board of Trustees of the Internal Improvement Trust Fund considers shall decide or regard it expedient to sell any of the lands that are now, ~~or may hereafter be~~, vested in the Board of Trustees of the Internal Improvement Trust Fund of the state, it must ~~shall~~ give 30 days' notice of the such sale as provided in s. 253.115, ~~by publication in some newspaper published in the county or counties where such lands to be sold are situated, and also in such other papers as may be deemed advisable, once each week. Said notice shall contain a description of the lands, state the terms of sale and the time and place where such lands shall be sold, and notify the people that it will receive bids therefor at Tallahassee from the time of giving such notice until the day of sale. The board of trustees shall require the persons publishing said notice to file with it immediately after the expiration of the time of such sale proof~~

of said publication, which shall at all times be subject to inspection by any person desiring to see same. None of the provisions of This section does not shall limit the applicability of s. 253.111.

Section 500. Subsection (3) of section 373.413, Florida Statutes, is amended to read:

373.413 Permits for construction or alteration.—

(3) After receipt of an application for a permit, the governing board or department shall publish notice of the application by sending a notice ~~cause a notice thereof to be published by posting such notice in the district headquarters and each office of the district. In addition, a copy of such notice shall be sent to any persons~~ person who have ~~has~~ filed a written request for notification of any pending applications affecting the particular designated area. Such notice may ~~shall~~ be sent by regular mail. The notice shall contain: the name and address of the applicant; a brief description of the proposed activity, including any mitigation; the location of the proposed activity, including whether it is located within an Outstanding Florida Water or aquatic preserve; a map identifying the location of the proposed activity subject to the application; a depiction of the proposed activity subject to the application; a name or number identifying the application and the office where the application can be inspected; and any other information required by rule.

(a) ~~The name and address of the applicant or, in the case of a corporation, the address of its principal business office;~~

(b) ~~A depiction of the work, works, dams, impoundments, or other regulated facilities proposed to be constructed under permit;~~

(c) ~~A map, showing the location of the proposed structure;~~

(d) ~~A statement of the number of acres of wetlands, if any, to be disturbed, filled, excavated, or otherwise affected;~~

(e) ~~A statement of the mitigation proposed to be undertaken by the applicant, if any;~~

(f) ~~The date of filing;~~

(g) ~~The date set for a hearing, if any;~~

(h) ~~The source of the water to be contained;~~

(i) ~~The quantity of water to be contained;~~

(j) ~~The use to be made of the water and any limitation thereon; and~~

(k) ~~Such other information as the governing board may deem necessary, in accordance with duly adopted rules.~~

(4) ~~The notice provided for by the governing board in subsection (3) shall state that written objections to the proposed permit may be filed with the governing board by a specified date. The governing board, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses.~~

(5) ~~If no substantial objection to the application is received, the governing board or the department, after proper investigation by its staff, may at its discre-~~

tion approve the application without a hearing. Otherwise, it shall set a time for a hearing in accordance with the provisions of chapter 120.

(4)(6) In addition to the notice required by subsection (3), the governing board or department may publish, or require an applicant to publish at the applicant's expense, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a notice of intended agency action cause a notice thereof to be published in a newspaper of general circulation within the affected area. This subsection does not limit the discretionary authority of the department or the governing board of a water management district to publish, or to require an applicant to publish at the applicant's expense, any notice under this chapter. The governing board or department shall also provide notice of this intended agency action to the applicant and to persons who have requested a copy of the intended agency action for that specific application.

(5) The governing board or department may charge a subscription fee to any person who has filed a written request for notification of any pending applications to cover the cost of duplication and mailing charges.

Section 501. Section 373.427, Florida Statutes, is created to read:

373.427 Concurrent permit review.—

(1) The department, in consultation with the water management districts, may adopt procedural rules requiring concurrent application submittal and establishing a concurrent review procedure for any activity regulated under this part that also requires any authorization, permit, waiver, variance, or approval described in paragraphs (a)-(d). The rules must address concurrent review of applications under this part and any one or more of the authorizations, permits, waivers, variances, and approvals described in paragraphs (a)-(d). Applicants that propose such activities must submit, as part of the permit application under this part, all information necessary to satisfy the requirements for:

(a) Proprietary authorization under chapter 253 or chapter 258 to use submerged lands owned by the board of trustees;

(b) Coastal construction permits under s. 161.041;

(c) Coastal construction control line permits under s. 161.053; and

(d) Waiver or variance of the setback requirements under s. 161.052.

The rules adopted under this section may also require submittal of such information as is necessary to determine whether the proposed activity will occur on submerged lands owned by the board of trustees. Notwithstanding s. 120.60(2), an application under this part is not complete and the timeframes for license approval or denial shall not commence until all information required by rules adopted under this section is received. For applications concurrently reviewed under this section, the agency that conducts the concurrent application review shall issue a notice of consolidated intent to grant or deny the applicable authorizations, permits, waivers, variances, and approvals. The issuance of the notice of consolidated intent to grant or deny is deemed in compliance with s. 120.60(2) timeframes for license approval or denial on the concurrently processed applications for any required permit, waiver, variance or approval under this chapter or chapter 161. Failure to satisfy these timeframes shall not result in approval by default of the application to

use board of trustees owned submerged lands. If an administrative proceeding pursuant to s. 120.57 is timely requested, the case shall be conducted as a single consolidated administrative proceeding on all such concurrently processed applications. Once the rules adopted pursuant to this section become effective, they shall establish the concurrent review procedure for applications submitted to both the department and the water management districts, including those applications for categories of activities requiring authorization to use board of trustees owned submerged lands for which the board of trustees has not delegated authority to take final agency action without action by the board of trustees.

(2) In addition to the provisions set forth in subsection (1) and notwithstanding s. 120.60, the procedures established in this subsection shall apply to concurrently reviewed applications which request proprietary authorization to use board of trustees owned submerged lands for activities for which there has been no delegation of authority to take final agency action without action by the board of trustees.

(a) Unless waived by the applicant, within 90 days of receipt of a complete application, the department or water management district shall issue a recommended consolidated intent to grant or deny on all of the concurrently reviewed applications, and shall submit the recommended consolidated intent to the board of trustees for its consideration of the application to use board of trustees owned submerged lands. The recommended consolidated intent shall not constitute a point of entry to request a hearing pursuant to s. 120.57. Unless waived by the applicant, the board of trustees shall consider the board of trustees owned submerged lands portion of the recommended consolidated intent at its next regularly scheduled meeting for which notice may be properly given, and the board of trustees shall determine whether the application to use board of trustees owned submerged lands should be granted, granted with modifications, or denied. The board of trustees shall then direct the department or water management district to issue a notice of intent to grant or deny the application to use board of trustees owned submerged lands. Unless waived by the applicant, within 14 days following the action by the board of trustees, the department or water management district shall issue a notice of consolidated intent to grant or deny on the application to use board of trustees owned submerged lands, in accordance with the directions of the board of trustees, together with all of the concurrently reviewed applications.

(b) The timely issuance of a recommended consolidated intent to grant or deny as set forth in paragraph (a) is deemed in compliance with s. 120.60(2) timeframes for license approval or denial on the concurrently processed applications for any required permit, waiver, variance or approval under this chapter or chapter 161. Failure to satisfy these timeframes shall not result in approval by default of the application to use board of trustees owned submerged lands.

(c) Any petition for an administrative hearing pursuant to s. 120.57 must be filed within 14 days of the notice of consolidated intent to grant or deny. Unless waived by the applicant, within 60 days after the recommended order is submitted, or at the next regularly scheduled meeting for which notice may be properly given, whichever is latest, the board of trustees shall determine what action to take on any recommended order issued under s. 120.57 on the application to use board of trustees owned submerged lands, and shall direct the department or water management district on what action to take in the final order concerning the application to use board of trustees owned submerged lands. The department or water

management district shall determine what action to take on any recommended order issued under s. 120.57 regarding any concurrently processed permits, waivers, variances, or approvals required by this chapter or chapter 161. The department or water management district shall then take final agency action by entering a consolidated final order addressing each of the concurrently reviewed authorizations, permits, waivers, or approvals. Failure to satisfy these timeframes shall not result in approval by default of the application to use board of trustees owned submerged lands. Any provisions relating to authorization to use board of trustees owned submerged lands shall be as directed by the board of trustees. Issuance of the consolidated final order within 45 days after receipt of the direction of the board of trustees regarding the application to use board of trustees owned submerged lands is deemed in compliance with the timeframes for issuance of final orders under s. 120.60(2). The final order shall be subject to the provisions of s. 373.4275.

(3) After the effective date of rules adopted under this section, neither the department nor a water management district may issue a permit under this part unless the requirements for issuance of any additional required authorizations, permits, waivers, variances, and approvals set forth in this section which are subject to concurrent review are also satisfied.

(4) When both an environmental resource permit or dredge and fill permit and a waiver, or variance set forth in paragraphs (1)(b)-(d) are granted in a consolidated order, these permits shall be consolidated into a single permit to be known as a joint coastal permit.

(5) Any application fee required under s. 373.109 for a permit under this part is in addition to any fees required for any of the concurrently reviewed applications for authorizations, permits, waivers, variances, or approvals set forth in subsection (1) or subsection (2). The application fees must be allocated, deposited, and used as provided in s. 373.109.

(6) Whenever a concurrently processed application includes an application to use board of trustees owned submerged lands, any noticing requirements of s. 253.115 shall be met, in addition to those in s. 373.413.

(7) When a water management district acts pursuant to a delegation under s. 253.002, any person instituting an administrative or judicial proceeding regarding such action shall serve a copy of the petition or complaint on the board of trustees. The department or the Department of Legal Affairs, acting on behalf of the board of trustees, may intervene in any such proceeding.

Section 502. Section 373.4275, Florida Statutes, is created to read:

373.4275 Review of consolidated orders.—

(1) Beginning on the effective date of the rules adopted under s. 373.427(1), review of any consolidated order rendered pursuant to s. 373.427(1) shall be governed by the provisions of s. 373.114(1). However, the term "party" shall mean any person who participated as a party in a s. 120.57 proceeding on the concurrently reviewed authorizations, permits, waivers, variances, or approvals, or any affected person who submitted to the department, water management district, or board of trustees oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the authorization, permit, waiver, variance, or approval, provided that such testimony was cognizable within the scope of this chapter or the applicable provisions of chapter 161, chapter 253, or

chapter 258 when the consolidated notice of intent includes an authorization, permit, waiver, variance, or approval under those chapters. In such cases, the standard of review shall also ensure consistency with the applicable provisions and purposes of chapter 253, chapter 258, or chapter 161 when the consolidated order includes an authorization, permit, waiver, variance, or approval under those chapters. If the consolidated order subject to review includes approval or denial of proprietary authorization to use submerged lands on which the board of trustees has previously acted, as described in s. 373.427(2), the scope of review under this section shall not encompass such proprietary decision, but the standard of review shall also ensure consistency with the applicable provisions and purposes of chapter 161 when the consolidated order includes a permit, waiver, or approval under that chapter.

(a) The final order issued under this section shall contain separate findings of fact and conclusions of law, and a ruling that individually addresses each authorization, permit, waiver, variance, and approval that was the subject of the review.

(b) If a consolidated order includes proprietary authorization under chapter 253 or chapter 258 to use submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund for an activity for which the authority has been delegated to take final agency action without action of the board of trustees, the following additional provisions and exceptions to s. 373.114(1) apply:

1. The Governor and Cabinet shall sit concurrently as the Land and Water Adjudicatory Commission and the Board of Trustees of the Internal Improvement Trust Fund in exercising the exclusive authority to review the order;

2. The review may also be initiated by the Governor or any member of the Cabinet within 20 days after the rendering of the order in which case the other provisions of s. 373.114(1)(a) regarding acceptance of a request for review do not apply; and

3. If the Governor and Cabinet find that an authorization to use submerged lands is not consistent with chapter 253 or chapter 258, any authorization, permit, waiver, or approval authorized or granted by the consolidated order must be rescinded or modified or the proceeding must be remanded for further action consistent with the order issued under this section.

(2) Subject to the provisions of subsection (3), appellate review of that part of a consolidated order granting or denying authorization to use board of trustees owned submerged lands on which the board of trustees has previously acted, as described in s. 373.427(2), shall be only pursuant to section 120.68.

(3) As with an appeal under s. 373.114, the proper initiation of discretionary review under this section tolls the time for seeking judicial review under s. 120.68.

Section 503. Section 373.422, Florida Statutes, is amended to read:

373.422 Applications for activities on state sovereignty lands or other state lands.—If sovereignty lands or other lands owned by the state are the subject of a proposed activity, the issuance of a permit by the department or a water management district ~~must shall~~ be conditioned upon the receipt by the applicant of all necessary approvals and authorizations under chapters 253 and 258 before from ~~the Board of Trustees of the Internal Improvement Trust Fund prior to the~~ undertaking of the ~~such~~ activity. The department or the governing board ~~must shall~~ issue its permit conditioned upon the securing of the necessary consent or approvals

from the Board of Trustees of the Internal Improvement Trust Fund by the applicant. Once the department has adopted rules under s. 373.427 for concurrent review of applications for permits under this part and proprietary authorizations under chapters 253 and 258 to use submerged lands, the permitting conditions required under this section cease to apply to those applications. If the approval or authorization of the board is required, the applicant may not commence any excavation, construction, or other activity until ~~the~~ such approval or authorization has been issued.

Section 504. Subsection (3) of section 373.459, Florida Statutes, is amended to read:

373.459 Surface Water Improvement and Management Trust Fund.—

(3) The amount of money that may be released to a water management district from the Surface Water Improvement and Management Trust Fund for approved plans, or continuations of approved plans, to improve and manage the surface waters described in ss. 373.451-373.4595 is limited to not more than 60 percent of the amount of money necessary for the approved plans: of the South Florida Water Management District, Southwest Florida Water Management District, and St. Johns River Water Management District, and not more than 80 percent of the amount of money necessary for the approved plans of the Northwest Florida Water Management District and the Suwannee River Water Management District. The remaining funds necessary for the approved plans shall be provided by the district. The district shall provide at least 40 percent of the amount of money necessary for the plans:

Section 505. Section 378.203, Florida Statutes, is amended to read:

378.203 Definitions.—As used in this part, the term:

(1) “Acres mined” means all acres on which mining operations have resulted in extraction of phosphate rock.

(2) “Annual report” means a detailed report, including maps and aerial photographs, submitted for each mine, which describes and delineates mining operations and reclamation or restoration activities undertaken in the previous calendar year. “Board” means the Governor and Cabinet sitting as the head of the Department of Natural Resources.

(3) “Conceptual reclamation plan” means a graphic and written description of general activities to be undertaken across the whole mine to comply with the reclamation standards and criteria contained in this part.

(4) “Department” means the Department of Environmental Protection Natural Resources.

~~(5) “Executive director” means the chief administrative officer of the department.~~

~~(5)(6)~~ “Mine” means an area of land upon which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

~~(6)(7)~~ “Mining operations” means those physical activities, other than prospecting and site preparation, which are necessary for extraction, waste disposal, storage, or dam maintenance prior to abandonment.

~~(7)(8)~~ “New mine,” as used in s. 378.209, means a mine for which the operator first became obligated to pay a severance tax for the extraction of minerals therefrom after July 1, 1975.

~~(8)(9)~~ “Operator” means the person engaged, or seeking to be engaged, in the severance of solid minerals, or any other person who is obligated to reclaim mined lands pursuant to s. 211.32(1). For purposes of s. 378.208 relating to financial responsibility, the term “operator” includes a parent, its subsidiary, or division.

~~(9)(10)~~ “Reclamation” means the reshaping of lands in a manner that which meets the reclamation criteria and standards contained in this part.

~~(11)~~ “~~Reclamation program~~” means ~~a detailed graphic and written description of a reclamation plan for a segment of a mine that is consistent with the applicable approved conceptual reclamation plan and that shows with specificity how that segment will be reclaimed to comply with the reclamation criteria and standards contained in this part.~~

~~(10)(12)~~ “Restoration” means the recontouring and revegetation of lands in a manner, consistent with the criteria and standards established under pursuant to this part, which will maintain or improve the water quality and function of the biological systems present at the site return the type, nature, and function of the ecosystem to the condition in existence prior to mining. In requiring restoration of an area, the department ~~must shall~~ recognize technological limitations and economic considerations. For example, restoration ~~must shall~~ be considered accomplished when immature trees are used; mature trees are not required to be replanted in areas where mature trees were removed to allow mining.

~~(11)(13)~~ “Revegetation” means, in reclaimed areas, a cover of vegetation consistent with the criteria and standards established pursuant to this part and consistent with the land form created and the future land uses. In restored areas, it means a cover of vegetation that is designed to return the restored area to the condition in existence prior to mining.

Section 506. Section 378.205, Florida Statutes, is amended to read:

378.205 Administration; powers and duties of the department; agency review responsibility.—

(1) The department shall administer the provisions of this part and shall have the following powers and duties:

(a) To issue conceptual reclamation plan ~~and reclamation program~~ approvals requiring an operator to take such actions as are necessary to comply with the ~~provisions~~ of this part.

(b) After proper notice, and upon the presentation of appropriate credentials and other documents as may be required by law, to enter on and inspect at reasonable times and intervals for the purpose of assuring compliance with ~~ss. 378.202-378.212~~ ss. 378.202-378.213, any lands that are subject to ~~ss. 378.202-378.212~~ the ~~provisions~~ of ss. 378.202-378.213.

(c) To prescribe the forms for conceptual reclamation plan ~~and reclamation program~~ applications and annual reports.

(d) To adopt those rules necessary to ~~administer~~ implement the provisions of this part.

(2)(a) The department ~~will~~ shall be the lead agency responsible for phosphate mine reclamation in accordance with the provisions of this part and with the rules adopted by the department. The department may seek comments from appropriate federal, state, regional, or local governmental agencies to assist it in establishing rules, reviewing reclamation applications, or otherwise implementing the provisions of this part. The department's consideration of comments on proposed conceptual reclamation plans and reclamation programs shall be limited to matters within the jurisdiction of the commenting agency.

~~(b) If, after July 1, 1980, the Department of Environmental Regulation or the appropriate water management district has issued a permit for work to be conducted on land which is or will be the subject of a reclamation program, and that permit contains conditions that require reclamation or restoration to be conducted according to certain specifications that are consistent with the standards and criteria adopted pursuant to this part, the department shall accept those requirements as part of its reclamation approval process.~~

~~(c) By January 1, 1987, the department, the Department of Environmental Regulation, and appropriate water management districts shall enter into memoranda of agreement for the purposes of carrying out the requirements of this subsection.~~

Section 507. Subsection (1) of section 378.209, Florida Statutes, is amended to read:

378.209 Timing of reclamation.—

(1) Reclamation should be completed within 2 years ~~after the~~ of completion of mining operations, exclusive of a growing season required to ensure establishment of vegetation. For purposes of this section, completion of reclamation occurs when shall be determined by that point at which initial revegetation is completed and not at the time point of final release of the reclamation area program. For the purpose of s. 378.208, the schedule for complete reclamation is shall be as prescribed in paragraphs ~~(a)-(e)~~ (a) through (e).

(a) For the period July 1, 1975, to December 31, 1980, for existing mines or the first 5-year period of mining for new mines, ~~no~~ reclamation may not shall be required, and any reclamation that which is completed must shall be credited forward.

(b) For the period January 1, 1981, to December 31, 1985, for existing mines or the second 5-year period of mining for new mines, reclamation of acres mined must shall be completed at the rate of an acreage equivalent of 15 percent of the acres mined during the period July 1, 1975, to December 31, 1980, or the immediately preceding 5-year period, as appropriate. Reclamation in excess of the required percentage must shall be credited forward.

(c) For the period January 1, 1986, to December 31, 1990, for existing mines or the third 5-year period of mining for new mines, reclamation of acres mined must shall be completed at the rate of an acreage equivalent of 60 percent of the acres mined during the period January 1, 1981, to December 31, 1985, or the immediately preceding 5-year period, as appropriate. Reclamation in excess of the required percentage must shall be credited forward.

(d) For the period January 1, 1991, to December 31, 1995, for existing mines or the fourth 5-year period of mining for new mines, reclamation of acres mined must shall be completed at the rate of an acreage equivalent of 75 percent of the acres mined during the period January 1, 1986, to December 31, 1990, or the immediately preceding 5-year period, as appropriate. Reclamation in excess of the required percentage must shall be credited forward.

(e) For the period January 1, 1996, to December 31, 2000, for existing mines or the fifth 5-year period of mining for new mines, and each 5-year period thereafter, reclamation of acres mined must shall be completed at the rate of an acreage equivalent of 100 percent of acres mined during the immediately preceding 5-year period. Reclamation in excess of the required percentage must shall be credited forward.

Section 508. Paragraph (f) of subsection (1) of section 378.212, Florida Statutes, is created to read:

(f) To accommodate projects, including those proposing off-site mitigation, that provide a significant regional benefit for wildlife and the environment.

Section 509. Subsection (4) of section 378.404, Florida Statutes, is amended to read:

378.404 Department of Environmental Protection Natural Resources; powers and duties.—The department shall have the following powers and duties:

(4) To prescribe develop rules to receive and approve annual reports, reclamation program applications when specifically authorized, for the detailed evaluation of reclamation units within conceptual mine plans.

Section 510. Section 378.405, Florida Statutes, is amended to read:

378.405 Reclamation review procedure.—

(1) All agency reviews conducted under this part are subject to ~~the provisions~~ of this section. Within 30 days after receipt of an operator's conceptual reclamation plan, the department, ~~the executive director~~ or the affected agency shall review the plan and shall request submittal of all additional information the agency is permitted by law to require. If the applicant believes any agency request for additional information is not authorized by law or agency rule, the applicant may request a hearing under pursuant to s. 120.57. Within 30 days after receipt of such additional information, the agency must shall review it and may request only such further information as is needed to clarify the such additional information.

(2) If the applicant believes the request of the agency for such additional information is not authorized by law or agency rule, the agency, at the applicant's request, shall proceed to process the plan. A plan must Plans shall be approved or denied within 90 days after receipt of the original plan, the last item of timely requested additional information, or the applicant's written request to begin processing the plan.

Section 511. There is hereby appropriated to the Department of Environmental Protection for fiscal year 1994-1995 the sum of \$695,947 from the Pollution Recovery Trust Fund, and six positions are authorized, to carry out responsibilities relating to environmental resource permits. Of the total appropriation the sum of \$453,000 is authorized as a grant in aid from the Department to the Suwannee Riv-

er Water Management District to carry out the responsibilities relating to environmental resource permits.

Section 512. There is hereby appropriated from the Pollution Recovery Trust Fund to the Department of Environmental Protection for fiscal year 1994-1995 the sum of \$200,000 to be used by the department and the water management districts to develop and publish a training manual for wetlands delineation, including the selection and documentation of the applicability of the wetlands delineation methodology on several reference training sites. To the greatest extent practicable, the reference training sites should be located on public conservation lands and should be selected to represent the broad variety of wetland ecosystems throughout Florida.

Section 513. Sections 270.09 and 378.206, Florida Statutes, are repealed.

Section 514. Section 10 of chapter 93-213, Laws of Florida, is hereby repealed.

Section 515. Section 258.024, Florida Statutes, is hereby repealed effective July 1, 1995.

Section 516. Except as otherwise provided herein, this act shall take effect July 1, 1994.

Approved by the Governor June 9, 1994.

Filed in Office Secretary of State June 9, 1994.

CHAPTER 94-357

House Bill No. 2221

An act making appropriations; providing moneys for the annual period beginning July 1, 1994, and ending June 30, 1995, 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:

SECTION 1A - OPERATING

The moneys contained herein are appropriated from the named funds for the 1994-95 Fiscal Year to the State agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

ADMINISTERED FUNDS

| | | | |
|----|---|------------|------------|
| 1 | LUMP SUM COMMISSION ON GOVERNMENT ACCOUNTABILITY TO THE PEOPLE (GAP) | POSITIONS | 6 |
| | FROM GENERAL REVENUE FUND | | 287,000 |
| | Funds and positions in Specific Appropriation 1 are provided to establish the Commission on Government Accountability which will assess the performance of government agencies and assist with the development of a performance measurement system that will be integrated into the state's planning and budgeting process. These funds shall be allocated upon approval of an allocation plan, in accordance with the provisions of Chapter 216, Florida Statutes. | | |
| 1A | LUMP SUM DOMESTIC VIOLENCE TASK FORCE | | |
| | FROM GENERAL REVENUE FUND | | 150,000 |
| 2 | LUMP SUM SALARY INCREASES | | |
| | FROM GENERAL REVENUE FUND | 72,528,785 | |
| | FROM TRUST FUNDS | | 43,228,822 |
| 3 | LUMP SUM CASUALTY INSURANCE PREMIUM DEFICIT | | |
| | FROM GENERAL REVENUE FUND | 3,600,000 | |
| | FROM TRUST FUNDS | | 2,200,000 |
| 4 | LUMP SUM STATEWIDE INNOVATION FUND | | |
| | FROM GENERAL REVENUE FUND | 2,000,000 | |
| | FROM TRUST FUNDS | | 2,000,000 |

Funds from Specific Appropriation 4 will be allocated based on a competitive evaluation process

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designed to award funds to agencies for demonstrating, in a proposal, innovative changes to their operations which will show quantifiable savings, cost avoidance, or increased productivity.

Proposals shall be evaluated by the Department of Management Services. Proposals shall be approved by a State Innovation Committee which is hereby created. The committee shall consist of the Lieutenant Governor, Director of the Office of Planning and Budgeting, the Secretary of the Department of Management Services, and one member representing the private sector appointed by the GAP Commission.

The department shall select a review board composed of private and public members. The board shall evaluate innovative project proposals and shall make recommendations to the committee as to which innovative projects should be considered for funding. The State Innovation Committee shall approve proposals through budget amendments which shall be subject to the notice, review, and objection procedures set forth in s. 216.177, Florida Statutes.

When evaluating proposals for innovative projects, the committee and the review board shall consider the following criteria: 1) Whether the innovative project increases the quality of public services. 2) Whether the innovative project reduces costs. 3) Whether the innovative project involves a cooperative effort with the private sector. 4) Whether the innovative project reduces the need for hiring additional employees. 5) Whether the innovative project enhances the agency's ability to provide customer-oriented services.

The Department of Management Services shall monitor and evaluate the implementation of innovative projects to determine if the anticipated results were achieved.

| | | |
|---|--|---------|
| 6 | LUMP SUM TRANSITION ASSISTANCE FROM GENERAL REVENUE FUND | 250,000 |
| 8 | LUMP SUM NATIONAL COMMUNITY SERVICES ACT GRANT FROM GENERAL REVENUE FUND | 250,000 |

Funds provided in Specific Appropriation 8 shall be used as the State match for the Governor's Commission on Community Service and Public/Private Partnerships pursuant to the National and Community Service Trust Act of 1993. In order to receive pro-rata federal funding and apply for grants under

SECTION 1A

SPECIFIC APPROPRIATION

this Act, each state is required to establish a commission to develop a three year state plan and to develop funding priorities.

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|---|---|---------|
| 10 | SPECIAL CATEGORIES ASSOCIATION DUES FROM GENERAL REVENUE FUND | 166,642 |
| 11 | SPECIAL CATEGORIES COUNCIL OF STATE GOVERNMENTS FROM GENERAL REVENUE FUND | 184,580 |
| <p>From funds provided in Specific Appropriation 11, \$50,000 shall be allotted to the Southern Legislative Conference for the purpose of challenging Federal Court decisions mandating prison population caps and prescribing conditions of confinement. This appropriation will be in conjunction with equal funds from the 16 remaining southern states that are members of the Southern Legislative Conference.</p> | | |
| 12 | SPECIAL CATEGORIES SOUTHERN GROWTH POLICY BOARD FROM GENERAL REVENUE FUND | 50,784 |
| 14 | SPECIAL CATEGORIES DEFICIENCY FROM GENERAL REVENUE FUND | 400,000 |
| 15 | SPECIAL CATEGORIES EMERGENCY FROM GENERAL REVENUE FUND | 250,000 |
| 16 | SPECIAL CATEGORIES FLORIDA LAND AND WATER ADJUDICATORY COMMISSION - ADMINISTRATIVE APPEALS FROM GENERAL REVENUE FUND | 4,756 |

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION

From the funds in Specific Appropriations 17 through 83, it is estimated that \$63,361,037 is continued from FY 1993-94 to provide 3,702,866 trips to transportation disadvantaged individuals. The department shall provide, by December 31, 1994, information to the statewide Transportation Disadvantaged Commission on the actual number of trips provided in FY 1993-94 to these individuals and actual expenditures. Information shall also be provided for FY 1994-95 on a year-to-date basis after the first, second and third quarters of FY 1994-95. The information shall be reported in such a manner as to clearly distinguish between those trips provided through coordinated systems established pursuant to Part I of Chapter 427, F.S.

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and those provided through other sources. In compiling and transmitting this information, the department will use standard definitions and a standard format to be developed by the statewide Transportation Disadvantaged Commission.

HEALTH CARE ADMINISTRATION AND REGULATION

| | | | | |
|--|--|-----------|-----------|------------|
| 17 | SALARIES AND BENEFITS | POSITIONS | 323 | |
| | FROM GENERAL REVENUE FUND | | 1,679,903 | |
| | FROM HEALTH CARE TRUST FUND | | | 11,435,850 |
| | FROM ADMINISTRATIVE TRUST FUND | | | 460,707 |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | | | 544,182 |
| 18 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 100,000 | |
| | FROM HEALTH CARE TRUST FUND | | | 1,590,996 |
| 19 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 549,456 | |
| | FROM HEALTH CARE TRUST FUND | | | 3,634,717 |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | | | 92,408 |
| 21 | LUMP SUM | | | |
| | ROBERT WOOD JOHNSON GRANT | | | |
| | FROM GENERAL REVENUE FUND | | 375,000 | |
| 22 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION | | | |
| | FROM GENERAL REVENUE FUND | | 3,918,852 | |
| | FROM FLORIDA HEALTHY KIDS TRUST FUND | | | 1,770,338 |
| 24 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - FLORIDA HEALTH CARE PURCHASING COOPERATIVE | | | |
| | FROM HEALTH CARE TRUST FUND | | | 277,256 |
| Funds in Specific Appropriation 24 are provided on a non-recurring basis to continue the Florida Health Care Purchasing Cooperative through June 30, 1995. | | | | |
| 25 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - COMMUNITY HEALTH PURCHASING ALLIANCES | | | |
| | FROM GENERAL REVENUE FUND | | 3,025,000 | |
| 26 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS | | | |
| | FROM GENERAL REVENUE FUND | | 300,000 | |
| 27 | SPECIAL CATEGORIES | | | |
| | MEDICAID SURVEILLANCE | | | |
| | FROM HEALTH CARE TRUST FUND | | | 252,499 |

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MEDICAID SERVICES

Funds from the Grants and Donations Trust Fund from Specific Appropriation 71 for the Regional Perinatal Intensive Care Center disproportionate share program; those portions of Specific Appropriation 47 to continue the adult outpatient hospital reimbursement yearly cap at \$1,000 and to maintain the current county outpatient reimbursement ceiling; Specific Appropriation 45 for the hospital disproportionate share program; Specific Appropriation 41 for the Graduate Medical Education disproportionate share program; are dependent on state match being provided by participating counties in sufficient amounts to cover the amount budgeted. If sufficient funds are not provided by the counties, the department shall first reduce the hospital disproportionate share program to balance.

In the event the Health Care Financing Administration increases the disproportionate share allotment above the appropriated level, the Executive Office of the Governor, subject to the provisions of Chapter 216, F.S., is authorized to increase budget authority to use any increased allotment. If the state is able to certify additional state match to meet the increased allotment or a portion thereof, the Governor shall submit a spending plan to the House and Senate Appropriations Committees for approval prior to initiating any Chapter 216 actions. In the event the Health Care Financing Administration decreases the disproportionate share allotment, the Governor shall submit a spending plan to the House and Senate Appropriations Committees which would reduce the disproportionate share programs to the maximum cap.

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|----|---|-----------|-----------|------------|
| 28 | SALARIES AND BENEFITS | POSITIONS | 810 | |
| | FROM GENERAL REVENUE FUND | | 7,270,766 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 16,574,408 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 12,416 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | | 2,845,193 |
| 29 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 408,278 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 6,916,804 |
| 30 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 3,199,275 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 6,369,991 |
| | FROM MEDICAL CARE TRUST FUND | | | 133,979 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | | 927,238 |

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|----|--|---------|---------|
| 31 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 208,550 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 223,319 |

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|-----|--|---|--------|
| 31A | LUMP SUM | | |
| | COST CONTAINMENT TRACKING AND MONITORING | | |
| | POSITIONS | 1 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 61,454 |

Funds in Specific Appropriation 31A are provided to fund one position to track, monitor, and report to the Social Services Estimating Conference on all Medicaid cost containment issues and other issues as needed by the conference.

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|----|---|-----------|------------|
| 33 | SPECIAL CATEGORIES | | |
| | ADULT DENTAL, VISUAL AND HEARING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 9,130,416 | |
| | FROM MEDICAL CARE TRUST FUND | | 15,488,657 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 2,960,440 |
| | FROM SPECIAL GRANTS TRUST FUND | | 349,863 |

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|----|--|-----------|------------|
| 34 | SPECIAL CATEGORIES | | |
| | CASE MANAGEMENT | | |
| | FROM GENERAL REVENUE FUND | 7,322,636 | |
| | FROM MEDICAL CARE TRUST FUND | | 20,363,983 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 184,888 |
| | FROM SPECIAL GRANTS TRUST FUND | | 2,169 |

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 34 results in state match requirements exceeding \$3,146,445, the Department of Health and Rehabilitative Services shall transfer general revenue to cover the increased state match requirements from Specific Appropriation 798. The agency shall by rule provide that adult mental health targeted case management services are targeted solely to priority clients as specified in Administrative Code 10E-15.

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|----|--|------------|------------|
| 35 | SPECIAL CATEGORIES | | |
| | THERAPEUTIC SERVICES FOR CHILDREN | | |
| | FROM GENERAL REVENUE FUND | 11,804,310 | |
| | FROM MEDICAL CARE TRUST FUND | | 32,919,086 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 983,667 |

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|----|--|------------|------------|
| 36 | SPECIAL CATEGORIES | | |
| | COMMUNITY MENTAL HEALTH SERVICES | | |
| | FROM GENERAL REVENUE FUND | 31,402,399 | |
| | FROM MEDICAL CARE TRUST FUND | | 45,520,502 |

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| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 4,132,124 |
| | FROM SPECIAL GRANTS TRUST FUND | | 10,108 |
| 37 | SPECIAL CATEGORIES CONTRACT NURSING HOME AUDIT PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 656,779 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 656,779 |
| 37A | SPECIAL CATEGORIES DEVELOPMENTAL EVALUATION AND INTERVENTION/PART H | | |
| | FROM MEDICAL CARE TRUST FUND | | 12,742,860 |
| 38 | SPECIAL CATEGORIES EARLY AND PERIODIC SCREENING OF CHILDREN | | |
| | FROM GENERAL REVENUE FUND | 18,123,643 | |
| | FROM MEDICAL CARE TRUST FUND | | 33,607,885 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 8,111,568 |
| | FROM SPECIAL GRANTS TRUST FUND | | 307,530 |
| 39 | SPECIAL CATEGORIES GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 3,720,185 | |
| | FROM MEDICAL CARE TRUST FUND | | 6,825,135 |
| | Funds in Specific Appropriation 39, shall be used for a Rural Hospital Medicaid disproportionate share program, or a non-Medicaid Rural Hospital Financial Assistance Program for those hospitals not eligible for the disproportionate share program. Such funds shall be distributed pursuant to section 409.9116, F. S. and shall conform with federal requirements. | | |
| 40 | SPECIAL CATEGORIES FAMILY PLANNING | | |
| | FROM GENERAL REVENUE FUND | 901,592 | |
| | FROM MEDICAL CARE TRUST FUND | | 12,574,212 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 495,542 |
| | FROM SPECIAL GRANTS TRUST FUND | | 28,424 |
| 41 | SPECIAL CATEGORIES GRADUATE MEDICAL EDUCATION | | |
| | FROM GENERAL REVENUE FUND | 4,888,861 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 2,711,139 |
| | FROM MEDICAL CARE TRUST FUND | | 9,783,349 |

From the funds in Specific Appropriation 41, \$2,711,139 from the Grants and Donations Trust Fund and \$3,490,002 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to statutory teaching hospitals, as defined in section

SECTION 1A

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| | | | |
|----|--|------------|-------------|
| 47 | SPECIAL CATEGORIES | | |
| | HOSPITAL OUTPATIENT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 65,071,021 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 15,584,940 |
| | FROM MEDICAL CARE TRUST FUND | | 264,527,591 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 126,484,700 |
| | FROM SPECIAL GRANTS TRUST FUND | | 1,419,319 |

From the funds in Specific Appropriation 47, \$15,584,940 from the Grants and Donations Trust Fund and \$19,964,649 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Such funds are to continue the adult yearly outpatient cap at \$1,000 and to maintain the current county outpatient reimbursement rate ceiling.

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|----|--|--|------------|
| 48 | SPECIAL CATEGORIES | | |
| | INTERMEDIATE CARE FACILITIES/MENTALLY | | |
| | RETARDED - SUNLAND CENTER | | |
| | FROM MEDICAL CARE TRUST FUND | | 81,375,480 |

| | | | |
|----|--|--|-------------|
| 49 | SPECIAL CATEGORIES | | |
| | INTERMEDIATE CARE FACILITIES/MENTALLY | | |
| | RETARDED - COMMUNITY | | |
| | FROM MEDICAL CARE TRUST FUND | | 143,375,340 |

| | | | |
|----|--|--------|---------|
| 50 | SPECIAL CATEGORIES | | |
| | RESPIRATORY THERAPY SERVICES | | |
| | FROM GENERAL REVENUE FUND | 80,557 | |
| | FROM MEDICAL CARE TRUST FUND | | 118,429 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 11,890 |

| | | | |
|----|--|-----------|------------|
| 51 | SPECIAL CATEGORIES | | |
| | MEDICAID FISCAL CONTRACT | | |
| | FROM GENERAL REVENUE FUND | 6,345,414 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 15,703,601 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 2,294,110 |
| | FROM SPECIAL GRANTS TRUST FUND | | 67,181 |

| | | | |
|----|--|--------|---------|
| 52 | SPECIAL CATEGORIES | | |
| | MEDICAID PEER REVIEW | | |
| | FROM GENERAL REVENUE FUND | 47,977 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 385,291 |

| | | | |
|----|--|-----------|-----------|
| 53 | SPECIAL CATEGORIES | | |
| | NURSE PRACTITIONER SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,382,721 | |
| | FROM MEDICAL CARE TRUST FUND | | 2,895,685 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 877,729 |
| | FROM SPECIAL GRANTS TRUST FUND | | 2,055 |

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| | | | |
|-----|--|-------------|-------------|
| 54 | SPECIAL CATEGORIES NURSING HOME CARE | | |
| | FROM GENERAL REVENUE FUND | 578,798,740 | |
| | FROM MEDICAL CARE TRUST FUND | | 743,002,326 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 1,208,774 |
| 55 | SPECIAL CATEGORIES BIRTHING CENTER SERVICES | | |
| | FROM GENERAL REVENUE FUND | 152,414 | |
| | FROM MEDICAL CARE TRUST FUND | | 734,592 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 421,029 |
| 56 | SPECIAL CATEGORIES OTHER LAB AND X-RAY SERVICES | | |
| | FROM GENERAL REVENUE FUND | 9,097,853 | |
| | FROM MEDICAL CARE TRUST FUND | | 16,845,583 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 4,052,260 |
| | FROM SPECIAL GRANTS TRUST FUND | | 293,925 |
| 57 | SPECIAL CATEGORIES PATIENT TRANSPORTATION | | |
| | FROM GENERAL REVENUE FUND | 30,895,833 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 404,543 |
| | FROM MEDICAL CARE TRUST FUND | | 47,904,247 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 6,904,047 |
| | FROM SPECIAL GRANTS TRUST FUND | | 154,034 |
| 57A | SPECIAL CATEGORIES PHYSICIAN ASSISTANT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 445,248 | |
| | FROM MEDICAL CARE TRUST FUND | | 1,056,255 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 377,050 |
| | FROM SPECIAL GRANTS TRUST FUND | | 3,745 |

Funds in Specific Appropriation 57A are to provide for Medicaid reimbursement for physician assistant services. The agency is to develop a reimbursement schedule based on no more than 80 percent of the fees currently paid to physicians for the same services. No reimbursement fee reduction for physician services is intended by establishing this new category.

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|----|--|-----------|-----------|
| 58 | SPECIAL CATEGORIES PERSONAL CARE SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,232,598 | |
| | FROM MEDICAL CARE TRUST FUND | | 1,657,995 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 61,675 |

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| | | | |
|----|---|-------------|-------------|
| 59 | SPECIAL CATEGORIES | | |
| | PHYSICAL REHABILITATION THERAPY | | |
| | FROM GENERAL REVENUE FUND | 1,545,377 | |
| | FROM MEDICAL CARE TRUST FUND | | 2,205,905 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 176,612 |
| | FROM SPECIAL GRANTS TRUST FUND | | 2,160 |
| 60 | SPECIAL CATEGORIES | | |
| | PHYSICIAN SERVICES | | |
| | FROM GENERAL REVENUE FUND | 150,947,565 | |
| | FROM MEDICAL CARE TRUST FUND | | 296,168,688 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 73,287,868 |
| | FROM SPECIAL GRANTS TRUST FUND | | 2,524,814 |

From the funds in Specific Appropriation 60, \$549,122 from the General Revenue Fund, \$890,756 from the Medical Care Trust Fund, \$146,224 from the Public Medical Assistance Trust Fund, and \$12,105 from the Special Grants Trust Fund are for reimbursement of chiropractic services. The Medicaid reimbursement policy for these services shall permit up to, but not more than, 24 visits per client per year unless otherwise specifically mandated by federal law. This reimbursement policy shall not preclude the department from utilizing prior authorization for services; however, prior authorization shall not be used to increase the 24 visit cap.

| | | | |
|----|--|-------------|-------------|
| 62 | SPECIAL CATEGORIES | | |
| | PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION | | |
| | FROM GENERAL REVENUE FUND | 234,241,844 | |
| | FROM MEDICAL CARE TRUST FUND | | 343,849,003 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 34,175,895 |
| | FROM SPECIAL GRANTS TRUST FUND | | 1,001,436 |
| 63 | SPECIAL CATEGORIES | | |
| | PRESCRIBED MEDICINE/DRUGS | | |
| | FROM GENERAL REVENUE FUND | 162,357,978 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 95,215,805 |
| | FROM MEDICAL CARE TRUST FUND | | 287,131,153 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 39,749,890 |
| | FROM SPECIAL GRANTS TRUST FUND | | 1,094,875 |

Funds in Specific Appropriation 63 reflect a reduction of \$2,612,485 in General Revenue and \$3,346,650 in Medical Care Trust Fund to reinstate the pharmacy \$1.00 co-payment cost containment initiative.

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SPECIFIC APPROPRIATION

From the funds in Specific Appropriation 63, \$11,981,739 from the General Revenue Fund and \$15,348,870 from the Medical Care Trust Fund is provided to eliminate the previous cost containment policy of requiring prior authorization.

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|----|---|------------|------------|
| 65 | SPECIAL CATEGORIES | | |
| | PRIVATE DUTY NURSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 7,357,958 | |
| | FROM MEDICAL CARE TRUST FUND | | 10,442,537 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 793,767 |
| 66 | SPECIAL CATEGORIES | | |
| | RURAL HEALTH SERVICES | | |
| | FROM GENERAL REVENUE FUND | 10,423,806 | |
| | FROM MEDICAL CARE TRUST FUND | | 21,021,283 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 5,985,972 |
| | FROM SPECIAL GRANTS TRUST FUND | | 73,750 |
| 67 | SPECIAL CATEGORIES | | |
| | SPEECH THERAPY SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,884,234 | |
| | FROM MEDICAL CARE TRUST FUND | | 2,912,940 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 389,687 |
| 68 | SPECIAL CATEGORIES | | |
| | STATE MENTAL HEALTH HOSPITAL PROGRAM | | |
| | FROM MEDICAL CARE TRUST FUND | | 16,038,492 |
| 69 | SPECIAL CATEGORIES | | |
| | MEDIPASS SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,678,979 | |
| | FROM MEDICAL CARE TRUST FUND | | 2,150,809 |
| 70 | SPECIAL CATEGORIES | | |
| | MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE | | |
| | FROM MEDICAL CARE TRUST FUND | | 84,259,594 |
| 71 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 3,000,000 |
| | FROM MEDICAL CARE TRUST FUND | | 3,861,848 |

From the funds provided in Specific Appropriation 71, \$3,000,000 from the Grants and Donations Trust Fund and \$3,861,848 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to Chapter

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383, Florida Statutes. Such funds shall be distributed pursuant to section 409.8112, F.S. and shall conform with federal requirements.

| | | | |
|------------------------|---|-------------|-------------|
| 72 | SPECIAL CATEGORIES SUPPLEMENTAL MEDICAL INSURANCE | | |
| | FROM GENERAL REVENUE FUND | 127,440,029 | |
| | FROM MEDICAL CARE TRUST FUND | | 167,676,201 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 25,927,626 |
| 73 | SPECIAL CATEGORIES OCCUPATIONAL THERAPY SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,158,056 | |
| | FROM MEDICAL CARE TRUST FUND | | 1,646,714 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 127,413 |
| 74 | SPECIAL CATEGORIES CLINIC SERVICES | | |
| | FROM GENERAL REVENUE FUND | 4,921,694 | |
| | FROM MEDICAL CARE TRUST FUND | | 13,370,495 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 1,725,312 |
| | FROM SPECIAL GRANTS TRUST FUND | | 67,373 |
| 75 | SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER | | |
| | FROM MEDICAL CARE TRUST FUND | | 5,629,360 |
| 76 | DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER | | |
| | FROM GENERAL REVENUE FUND | 72,336 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 72,336 |
| HEALTH CARE REGULATION | | | |
| 77 | SALARIES AND BENEFITS POSITIONS | 374 | |
| | FROM HEALTH CARE TRUST FUND | | 14,049,887 |
| 78 | OTHER PERSONAL SERVICES | | |
| | FROM HEALTH CARE TRUST FUND | | 120,609 |
| 79 | EXPENSES | | |
| | FROM HEALTH CARE TRUST FUND | | 4,179,941 |
| | FROM MEDICAL CARE TRUST FUND | | 122,529 |
| 80 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL HEALTH COUNCILS | | |
| | FROM GENERAL REVENUE FUND | 500,000 | |
| | FROM HEALTH CARE TRUST FUND | | 1,044,147 |

From the funds in Specific Appropriation 80 the Agency for Health Care Administration is authorized to contract with the local health councils from

SECTION 1A

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planning districts #1, 3, 7, 10, and 11 to carry out the provisions of s. 408.033, F.S., in the following manner:

| | |
|---|------------|
| Dist. 1 (activities in dist. 1 & 2) | \$ 280,726 |
| Dist. 3 (activities in dist. 3 & 4) | 280,726 |
| Dist. 7 (activities in dist. 5, 6, 7) | 421,089 |
| Dist. 10 (activities in dist. 8, 9, 10) | 421,089 |
| Dist. 11 (activities in dist. 11) | 140,517 |

Funds contracted with local health councils may be used to support the activities of the state health council, or in the event of passage of SB 1426 or similar legislation, the Health Coordinating Council.

| | | | |
|--|---|------------|-----------|
| 81 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 169,139 | |
| | FROM HEALTH CARE TRUST FUND | | 26,508 |
| 83 | SPECIAL CATEGORIES | | |
| | EMERGENCY ALTERNATIVE PLACEMENT | | |
| | FROM RESIDENT PROTECTION TRUST FUND | | 103,000 |
| AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE | | | |
| OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION | | | |
| 85 | SALARIES AND BENEFITS | POSITIONS | 466 |
| | FROM GENERAL REVENUE FUND | 14,790,298 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,710,232 |
| | FROM CITRUS INSPECTION TRUST FUND | | 210,371 |
| | FROM GENERAL INSPECTION TRUST FUND | | 894,274 |
| 86 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 15,663 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 25,000 |
| 87 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,472,954 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 1,175,931 |
| | FROM CITRUS INSPECTION TRUST FUND | | 26,691 |
| | FROM GENERAL INSPECTION TRUST FUND | | 442,272 |
| 88 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 185,476 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 49,949 |
| | FROM GENERAL INSPECTION TRUST FUND | | 5,000 |
| 89 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 114,947 | |
| | FROM GENERAL INSPECTION TRUST FUND | | 881 |

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APPROPRIATION

| | | | |
|----|---|---------|-----------|
| 90 | DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER | | |
| | FROM GENERAL REVENUE FUND | 386,655 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 109,724 |
| | FROM GENERAL INSPECTION TRUST FUND | | 1,046,752 |
| 91 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 9,900 |

STANDARDS, DIVISION OF

| | | | |
|----|--|-----------|-----------|
| 92 | SALARIES AND BENEFITS | POSITIONS | 191 |
| | FROM GENERAL REVENUE FUND | | 1,347,719 |
| | FROM GENERAL INSPECTION TRUST FUND | | 4,703,443 |

From the funds provided in Specific Appropriation 92, \$178,637 from the General Inspection Trust Fund to defray the costs of the amusement device inspection program is contingent upon the Department of Agriculture and Consumer Services increasing fees by rule pursuant to section 616.242, Florida Statutes.

| | | | |
|----|--|---------|-----------|
| 93 | OTHER PERSONAL SERVICES FROM GENERAL INSPECTION TRUST FUND | | 59,572 |
| 94 | EXPENSES FROM GENERAL REVENUE FUND | 346,188 | |
| | FROM GENERAL INSPECTION TRUST FUND | | 1,351,347 |
| 95 | OPERATING CAPITAL OUTLAY FROM GENERAL INSPECTION TRUST FUND | | 79,150 |
| 96 | DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER | | |
| | FROM GENERAL REVENUE FUND | 59,505 | |
| | FROM GENERAL INSPECTION TRUST FUND | | 252,654 |

DAIRY INDUSTRY, DIVISION OF

| | | | |
|-----|---|-----------|-----------|
| 97 | SALARIES AND BENEFITS | POSITIONS | 41 |
| | FROM GENERAL REVENUE FUND | | 1,499,570 |
| 98 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | | 2,488 |
| 99 | EXPENSES FROM GENERAL REVENUE FUND | | 255,917 |
| 100 | DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER | | |
| | FROM GENERAL REVENUE FUND | 125,010 | |

SECTION 1A

SPECIFIC APPROPRIATION

MARKETING AND DEVELOPMENT, DIVISION OF

| | | | | |
|-----|---|-----------|-----------|-----------|
| 101 | SALARIES AND BENEFITS | POSITIONS | 227 | |
| | FROM GENERAL REVENUE FUND | | 3,399,881 | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 867,240 |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 258,053 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 470,350 |
| | FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | | | 1,565,306 |
| | FROM SALTWATER PRODUCTS PROMOTION TRUST FUND | | | 632,755 |
| | FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND | | | 27,628 |
| 102 | OTHER PERSONAL SERVICES | | 15,000 | |
| | FROM GENERAL REVENUE FUND | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 233,597 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 30,000 |
| | FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | | | 27,500 |
| | FROM SALTWATER PRODUCTS PROMOTION TRUST FUND | | | 19,682 |
| 103 | EXPENSES | | 912,956 | |
| | FROM GENERAL REVENUE FUND | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 323,350 |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 1,093,049 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 509,737 |
| | FROM MARKET TRADE SHOW TRUST FUND | | | 192,625 |
| | FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | | | 711,023 |
| | FROM SALTWATER PRODUCTS PROMOTION TRUST FUND | | | 301,261 |
| | FROM VITICULTURE TRUST FUND | | | 7,800 |
| | FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND | | | 170,625 |
| 104 | OPERATING CAPITAL OUTLAY | | 3,112 | |
| | FROM GENERAL REVENUE FUND | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 32,000 |
| | FROM MARKET TRADE SHOW TRUST FUND | | | 5,000 |
| | FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | | | 8,350 |
| | FROM SALTWATER PRODUCTS PROMOTION TRUST FUND | | | 5,692 |
| 105 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - VITICULTURE PROGRAM | | | |
| | FROM GENERAL REVENUE FUND | | 400,000 | |
| | FROM VITICULTURE TRUST FUND | | | 108,000 |

~~From General Revenue funds in Specific Appropriation 105, allocations are to be made in equal amounts to certified Florida farm wineries for the marketing and promotion of Florida wines and grape products pursuant to Chapter 699.004, Florida Statutes.~~

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| | | |
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| 105A | SPECIAL CATEGORIES FLORIDA AGRICULTURE PROMOTION CAMPAIGN FROM GENERAL REVENUE FUND | 500,000 |
| 106 | SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS EXPENSES FROM QUARTER HORSE RACING PROMOTION TRUST FUND | 6,750 |
| 107 | SPECIAL CATEGORIES GRANTS AND AIDS - MARKETING ORDERS FROM CITRUS INSPECTION TRUST FUND FROM GENERAL INSPECTION TRUST FUND | 1,250,000 475,000 |
| 108 | SPECIAL CATEGORIES FOOD RECOVERY PROGRAM FROM GENERAL REVENUE FUND | 300,000 |
| 109 | SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS FROM GENERAL REVENUE FUND FROM QUARTER HORSE RACING PROMOTION TRUST FUND | 250,000 68,250 |
| 110 | SPECIAL CATEGORIES GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS FROM CONTRACTS AND GRANTS TRUST FUND | 1,830,281 |
| 110A | SPECIAL CATEGORIES TROPICAL FRUIT FROM GENERAL REVENUE FUND | 300,000 |

Funds in Specific Appropriation 110A shall be advanced in total in the following manner: \$200,000 for tropical fruit research at the University of Florida, Institute of Food and Agricultural Sciences; and \$100,000 to the department for marketing tropical fruit.

| | | |
|-----------------|--|--------------------|
| 110B | SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL MARKET ORNAMENTAL HORTICULTURE FROM GENERAL REVENUE FUND | 300,000 |
|-----------------|--|--------------------|

Funds in Specific Appropriations 105 through 107 and 109 through 110B may be advanced in part or in total.

| | | |
|-----|--|-----------------------------|
| 111 | DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | 233,688 17,839 34,188 |
|-----|--|-----------------------------|

SECTION 1A

SPECIFIC
APPROPRIATION

FRUIT AND VEGETABLES, DIVISION OF

| | | | | |
|-----|--|-----------|-----|-----------|
| 112 | SALARIES AND BENEFITS | POSITIONS | 467 | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 9,978,133 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 3,917,564 |
| 113 | OTHER PERSONAL SERVICES | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 200,000 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 150,000 |
| 114 | EXPENSES | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 1,437,076 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 357,141 |
| 115 | OPERATING CAPITAL OUTLAY | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 1,652,000 |
| 116 | SPECIAL CATEGORIES | | | |
| | AUTOMATED TESTING EQUIPMENT | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 454,756 |
| 117 | DATA PROCESSING SERVICES | | | |
| | AGRICULTURE MANAGEMENT INFORMATION CENTER | | | |
| | FROM CITRUS INSPECTION TRUST FUND | | | 306,793 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 134,848 |

PLANT INDUSTRY, DIVISION OF

| | | | | |
|-----|--|-----------|-----------|-----------|
| 118 | SALARIES AND BENEFITS | POSITIONS | 286 | |
| | FROM GENERAL REVENUE FUND | | 7,731,681 | |
| | FROM PLANT INDUSTRY TRUST FUND | | | 1,231,949 |
| 119 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 74,825 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 147,556 |
| | FROM PLANT INDUSTRY TRUST FUND | | | 833,891 |
| 120 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 988,438 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 44,444 |
| | FROM PLANT INDUSTRY TRUST FUND | | | 1,279,899 |
| 121 | OPERATING CAPITAL OUTLAY | | | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 10,000 |
| 122 | SPECIAL CATEGORIES | | | |
| | ENDANGERED SPECIES | | | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 152,121 |
| 123 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - BOLL WEEVIL ERADICATION | | | |
| | FROM PLANT INDUSTRY TRUST FUND | | | 560,000 |

Funds in Specific Appropriation 123 are to be used for the suppression and eradication of the boll weevil. Funds appropriated from the Plant Industry

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Trust Fund are grower participation in the program and shall be assessments upon cotton growers' acreages. Such funds may be advanced in part or in total.

| | | | |
|-----|--|--------|--------------------|
| 124 | SPECIAL CATEGORIES APIARIAN INDEMNITIES FROM GENERAL REVENUE FUND | 36,000 | |
| 125 | SPECIAL CATEGORIES PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM FROM PLANT INDUSTRY TRUST FUND | | 300,000 |
| 126 | SPECIAL CATEGORIES CARIBBEAN FRUIT FLY MANAGEMENT FROM CONTRACTS AND GRANTS TRUST FUND | | 100,000 |
| 127 | SPECIAL CATEGORIES CITRUS CANCKER ERADICATION FROM CONTRACTS AND GRANTS TRUST FUND FROM CITRUS CANCKER ERADICATION TRUST FUND | | 150,000 150,000 |

Funds in Specific Appropriation 127 are contingent upon SB 2066 or similar legislation becoming law requiring continued Citrus Canker Eradication surveys for detection of citrus canker.

| | | | |
|-----|--|---------|--|
| 128 | DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND | 103,834 | |
|-----|--|---------|--|

ANIMAL INDUSTRY, DIVISION OF

| | | | | |
|-----|--|-----------|-----------|-----------|
| 129 | SALARIES AND BENEFITS | POSITIONS | 219 | |
| | FROM GENERAL REVENUE FUND | | 5,342,280 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 1,642,168 |
| | FROM GENERAL INSPECTION TRUST FUND | | | 82,840 |
| 130 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | | 216,866 | |

Funds in Specific Appropriation 130 assume that livestock markets handling cattle for the state brucellosis program receive \$2.00 per head for this service and all practitioners' fees continue to be paid at the current level.

| | | | | |
|-----|---|---------|--|--------------------|
| 131 | EXPENSES FROM GENERAL REVENUE FUND FROM CONTRACTS AND GRANTS TRUST FUND FROM GENERAL INSPECTION TRUST FUND | 635,589 | | 482,613 286,033 |
| 132 | OPERATING CAPITAL OUTLAY FROM CONTRACTS AND GRANTS TRUST FUND | | | 12,000 |

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SPECIFIC APPROPRIATION

| | | | |
|--------------------------------|---|-----------|------------|
| 133 | SPECIAL CATEGORIES | | |
| | PAYMENT OF INDEMNITIES | | |
| | FROM GENERAL REVENUE FUND | 75,000 | |
| 134 | DATA PROCESSING SERVICES | | |
| | AGRICULTURE MANAGEMENT INFORMATION CENTER | | |
| | FROM GENERAL REVENUE FUND | 103,765 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | 14,962 |
| | FROM GENERAL INSPECTION TRUST FUND | | 81,224 |
| CONSUMER SERVICES, DIVISION OF | | | |
| 135 | SALARIES AND BENEFITS | POSITIONS | 87 |
| | FROM GENERAL REVENUE FUND | | 753,462 |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | 555 |
| | FROM GENERAL INSPECTION TRUST FUND | | 1,463,180 |
| | FROM SOLICITATION OF CONTRIBUTIONS TRUST FUND | | 196,645 |
| 136 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 12,216 | |
| 137 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 131,040 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | 8,771 |
| | FROM GENERAL INSPECTION TRUST FUND | | 391,670 |
| | FROM SOLICITATION OF CONTRIBUTIONS TRUST FUND | | 84,086 |
| 138 | SPECIAL CATEGORIES | | |
| | CONTINUING EDUCATION | | |
| | FROM GENERAL INSPECTION TRUST FUND | | 100,000 |
| 139 | DATA PROCESSING SERVICES | | |
| | AGRICULTURE MANAGEMENT INFORMATION CENTER | | |
| | FROM GENERAL REVENUE FUND | 229,112 | |
| | FROM GENERAL INSPECTION TRUST FUND | | 51,895 |
| FORESTRY, DIVISION OF | | | |
| 140 | SALARIES AND BENEFITS | POSITIONS | 1,107 |
| | FROM GENERAL REVENUE FUND | | 28,365,921 |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | 896,168 |
| | FROM INCIDENTAL TRUST FUND | | 3,518,347 |
| 141 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 212,742 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | 71,000 |
| | FROM INCIDENTAL TRUST FUND | | 163,629 |
| 142 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 4,319,144 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | 744,028 |
| | FROM INCIDENTAL TRUST FUND | | 3,337,965 |
| | FROM PLANT A TREE TRUST FUND | | 48,750 |

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APPROPRIATION

| | | | |
|--------------------------|--|-----------|-----------|
| 154 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 3,500 | |
| | FROM PEST CONTROL TRUST FUND | | 10,765 |
| 155 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 931,946 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | 668,725 |
| | FROM GENERAL INSPECTION TRUST FUND | | 389,200 |
| | FROM PEST CONTROL TRUST FUND | | 300,767 |
| 156 | AID TO LOCAL GOVERNMENTS | | |
| | MOSQUITO CONTROL PROGRAM | | |
| | FROM GENERAL INSPECTION TRUST FUND | | 2,028,598 |
| 157 | OPERATING CAPITAL OUTLAY | | |
| | FROM CONTRACTS AND GRANTS TRUST FUND . . . | | 313,500 |
| | FROM PEST CONTROL TRUST FUND | | 35,076 |
| 158 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM PEST CONTROL TRUST FUND | | 34,053 |
| 159 | DATA PROCESSING SERVICES | | |
| | AGRICULTURE MANAGEMENT INFORMATION CENTER | | |
| | FROM GENERAL REVENUE FUND | 111,867 | |
| | FROM GENERAL INSPECTION TRUST FUND | | 277,035 |
| FOOD SAFETY, DIVISION OF | | | |
| 160 | SALARIES AND BENEFITS | POSITIONS | 339 |
| | FROM GENERAL REVENUE FUND | | 3,119,201 |
| | FROM CONTRACTS AND GRANTS TRUST FUND . . . | | 3,389,219 |
| | FROM GENERAL INSPECTION TRUST FUND | | 4,675,281 |
| 161 | OTHER PERSONAL SERVICES | | |
| | FROM CONTRACTS AND GRANTS TRUST FUND . . . | | 90,413 |
| 162 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 745,114 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND . . . | | 799,647 |
| | FROM GENERAL INSPECTION TRUST FUND | | 526,481 |
| 163 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 21,364 | |
| | FROM CONTRACTS AND GRANTS TRUST FUND . . . | | 106,084 |
| 164 | DATA PROCESSING SERVICES | | |
| | AGRICULTURE MANAGEMENT INFORMATION CENTER | | |
| | FROM GENERAL REVENUE FUND | 240,448 | |
| | FROM GENERAL INSPECTION TRUST FUND | | 302,552 |
| 165 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION | | |
| | CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM GENERAL INSPECTION TRUST FUND | | 9,206 |

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SPECIFIC
APPROPRIATIONBANKING AND FINANCE, DEPARTMENT OF, AND
COMPTROLLEROFFICE OF THE COMPTROLLER AND DIVISION OF
ADMINISTRATION

| | | | | |
|-----|--|-----------|-----------|-----------|
| 166 | SALARIES AND BENEFITS | POSITIONS | 169 | |
| | FROM GENERAL REVENUE FUND | | 3,452,963 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 3,558,661 |
| 167 | OTHER PERSONAL SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 2,550 |
| 168 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 660,167 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 813,056 |
| 169 | OPERATING CAPITAL OUTLAY | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 7,825 |
| 170 | DATA PROCESSING SERVICES | | | |
| | STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 480,598 |

ACCOUNTING AND AUDITING, DIVISION OF

| | | | | |
|-----|---|-----------|-----------|-----------|
| 171 | SALARIES AND BENEFITS | POSITIONS | 176 | |
| | FROM GENERAL REVENUE FUND | | 5,527,290 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 155,851 |
| | FROM CONSOLIDATED PAYMENT TRUST FUND | | | 150,505 |
| 172 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 90,060 | |
| 173 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,079,509 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 982,358 |
| | FROM CONSOLIDATED PAYMENT TRUST FUND | | | 12,159 |
| 174 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 40,891 | |
| 175 | SPECIAL CATEGORIES | | | |
| | CONSOLIDATED EQUIPMENT FINANCING - ISSUANCE EXPENSES | | | |
| | FROM CONSOLIDATED PAYMENT TRUST FUND | | | 2,000,000 |
| 176 | DATA PROCESSING SERVICES | | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 26,967 | |

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INFORMATION SYSTEMS, DIVISION OF

| | | | | |
|------|---|-----------|-----------|---------|
| 177 | SALARIES AND BENEFITS | POSITIONS | 178 | |
| | FROM GENERAL REVENUE FUND | | 6,247,050 | |
| | FROM WORKING CAPITAL TRUST FUND | | | 518,728 |
| 178 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 20,000 | |
| 179 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 5,892,113 | |
| | FROM WORKING CAPITAL TRUST FUND | | | 473,911 |
| 180 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 6,565,053 | |
| 180A | LUMP SUM | | | |
| | SAMAS REDESIGN FOR IMPLEMENTATION OF | | | |
| | CONSTITUTIONAL AMENDMENT ON TAX CAP | | | |
| | | POSITIONS | 4 | |
| | FROM GENERAL REVENUE FUND | | 400,000 | |

FLORIDA FISCAL ACCOUNTING MANAGEMENT INFORMATION SYSTEM DESIGN AND COORDINATION

| | | | | |
|-----|-------------------------------------|-----------|---------|--|
| 181 | SALARIES AND BENEFITS | POSITIONS | 4 | |
| | FROM GENERAL REVENUE FUND | | 213,690 | |
| 182 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 55,000 | |
| 183 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 109,489 | |

BANKING, DIVISION OF

| | | | | |
|-----|--|-----------|-----|-----------|
| 184 | SALARIES AND BENEFITS | POSITIONS | 178 | |
| | FROM FINANCIAL INSTITUTIONS REGULATORY | | | |
| | TRUST FUND | | | 7,443,001 |
| 185 | OTHER PERSONAL SERVICES | | | |
| | FROM FINANCIAL INSTITUTIONS REGULATORY | | | |
| | TRUST FUND | | | 21,386 |
| 186 | EXPENSES | | | |
| | FROM FINANCIAL INSTITUTIONS REGULATORY | | | |
| | TRUST FUND | | | 1,879,356 |
| 187 | OPERATING CAPITAL OUTLAY | | | |
| | FROM FINANCIAL INSTITUTIONS REGULATORY | | | |
| | TRUST FUND | | | 154,771 |

SECTION 1A

SPECIFIC
APPROPRIATION

| | | | | |
|---|--|---------|-----------|-----------|
| 188 | DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND | | | 250,418 |
| FINANCE, DIVISION OF | | | | |
| 189 | SALARIES AND BENEFITS POSITIONS FROM REGULATORY TRUST FUND | 135 | | 4,692,869 |
| 190 | OTHER PERSONAL SERVICES FROM REGULATORY TRUST FUND | | | 2,481,997 |
| 191 | EXPENSES FROM REGULATORY TRUST FUND | | | 2,439,928 |
| 192 | OPERATING CAPITAL OUTLAY FROM REGULATORY TRUST FUND | | | 63,351 |
| 193 | DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM REGULATORY TRUST FUND | | | 262,145 |
| SECURITIES AND INVESTOR PROTECTION, DIVISION OF | | | | |
| 194 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM ANTI-FRAUD TRUST FUND | 78 | 2,712,750 | 128,372 |
| 195 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM ANTI-FRAUD TRUST FUND | 11,400 | | 300,000 |
| 196 | EXPENSES FROM GENERAL REVENUE FUND FROM ANTI-FRAUD TRUST FUND | 491,992 | | 92,839 |
| 197 | OPERATING CAPITAL OUTLAY FROM ANTI-FRAUD TRUST FUND | | | 12,112 |
| 198 | DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM GENERAL REVENUE FUND | | 125,367 | |
| 199 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND | | 49,056 | |

SECTION 1A

SPECIFIC APPROPRIATION

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

| | | | | |
|-----|--|-----------|-----|-----------|
| 200 | SALARIES AND BENEFITS | POSITIONS | 108 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 4,026,608 |
| | FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND | | | 135,402 |
| 201 | OTHER PERSONAL SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 30,042 |
| | FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND | | | 36,581 |
| 202 | EXPENSES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 971,043 |
| | FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND | | | 89,054 |
| 203 | OPERATING CAPITAL OUTLAY | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 9,535 |
| | FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND | | | 566 |
| 204 | SPECIAL CATEGORIES | | | |
| | OPERATION AND MAINTENANCE OF PATROL VEHICLES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 3,800 |
| 205 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 2,240 |
| 206 | DATA PROCESSING SERVICES | | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 17,080 |
| 207 | DATA PROCESSING SERVICES | | | |
| | OTHER DATA PROCESSING SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 5,714 |

PROFESSIONAL REGULATION, DIVISION OF

| | | | | |
|-----|--|-----------|--------|------------|
| 208 | SALARIES AND BENEFITS | POSITIONS | 870 | |
| | FROM GENERAL REVENUE FUND | | 42,057 | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | | 26,765,939 |
| 209 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 7,280 | |
| | FROM EDUCATION AND RESEARCH FOUNDATION TRUST FUND | | | 225,257 |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | | 331,292 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
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| | FROM PROFESSIONAL REGULATION TRUST FUND | | 6,327,382 |
| 210 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 37,015 | |
| | FROM EDUCATION AND RESEARCH FOUNDATION TRUST FUND | | 124,059 |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | 243,468 |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 12,407,864 |
| 211 | OPERATING CAPITAL OUTLAY | | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 545,346 |
| 211A | LUMP SUM | | |
| | ORLANDO SERVICE CENTER STAFF | | |
| | POSITIONS | 5 | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 467,717 |
| 211B | LUMP SUM | | |
| | ADMINISTRATIVE HEARINGS FILINGS | | |
| | POSITIONS | 4 | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 197,783 |
| 212 | SPECIAL CATEGORIES | | |
| | EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION | | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 3,213,385 |
| 213 | SPECIAL CATEGORIES | | |
| | UNLICENSED ACTIVITIES | | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 1,888,000 |
| | Funds provided in Specific Appropriation 213 for Unlicensed Activities shall be released upon approval of a plan to be submitted to the Office of Planning and Budgeting. The plan shall include the allocation for each board and the programmatic functions to be used to regulate unlicensed activities by each board. | | |
| 214 | SPECIAL CATEGORIES | | |
| | CONTINUING EDUCATION | | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 20,500 |
| 215 | SPECIAL CATEGORIES | | |
| | DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING | | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 503,231 |
| 216 | SPECIAL CATEGORIES | | |
| | STATE EMPLOYEES' CHILD CARE CENTER OPERATION | | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 64,000 |
| 217 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND | | |
| | FROM PROFESSIONAL REGULATION TRUST FUND | | 620,000 |

SECTION 1A

SPECIFIC
APPROPRIATION

| | | | |
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| 229 | EXPENSES | | |
| | FROM HOTEL AND RESTAURANT TRUST FUND . . . | | 2,169,812 |
| 230 | OPERATING CAPITAL OUTLAY | | |
| | FROM HOTEL AND RESTAURANT TRUST FUND . . . | | 332,730 |
| 231 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - SCHOOL-TO-CAREER | | |
| | FROM HOTEL AND RESTAURANT TRUST FUND . . . | | 100,000 |
| 233 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION | | |
| | CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM HOTEL AND RESTAURANT TRUST FUND . . . | | 550,109 |
| ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF | | | |
| 234 | SALARIES AND BENEFITS | POSITIONS | 445 |
| | FROM ALCOHOLIC BEVERAGE AND TOBACCO | | |
| | TRUST FUND | | 16,428,052 |
| 235 | OTHER PERSONAL SERVICES | | |
| | FROM ALCOHOLIC BEVERAGE AND TOBACCO | | |
| | TRUST FUND | | 20,455 |
| 236 | EXPENSES | | |
| | FROM ALCOHOLIC BEVERAGE AND TOBACCO | | |
| | TRUST FUND | | 3,616,283 |
| <p>From funds provided in Specific Appropriation 236, up to \$60,000 shall be used to produce and mail health warning signs to those vendors licensed to sell alcoholic beverages by the package who are not currently displaying a substantially similar sign. Each sign, to be posted in a location that is clearly visible to patrons, must measure at least 11" x 17" and state:</p> <p>"HEALTH WARNING: Alcohol In Beer, Wine Coolers, Wine and Liquor Can Cause Intoxication, Addiction, Birth Defects. Reduce Your Risks: Do Not Drink Before Driving or Operating Machinery. Do Not Mix Alcohol With Other Drugs (It Can Be Fatal). Do Not Drink During Pregnancy."</p> | | | |
| 237 | OPERATING CAPITAL OUTLAY | | |
| | FROM ALCOHOLIC BEVERAGE AND TOBACCO | | |
| | TRUST FUND | | 874,397 |
| | FROM ALCOHOLIC BEVERAGE AND TOBACCO | | |
| | FORFEITURE AND INVESTIGATIVE SUPPORT | | |
| | TRUST FUND | | 450,000 |
| 238 | SPECIAL CATEGORIES | | |
| | LEGAL SERVICES CONTRACT | | |
| | FROM ALCOHOLIC BEVERAGE AND TOBACCO | | |
| | TRUST FUND | | 55,000 |

SECTION 1A

SPECIFIC APPROPRIATION

CITRUS, DEPARTMENT OF

| | | | | |
|-----|--|-----------|-----|-----------|
| 248 | SALARIES AND BENEFITS | POSITIONS | 157 | |
| | FROM CITRUS ADVERTISING TRUST FUND | | | 6,751,481 |
| 249 | OTHER PERSONAL SERVICES | | | |
| | FROM CITRUS ADVERTISING TRUST FUND | | | 264,500 |
| 250 | EXPENSES | | | |
| | FROM CITRUS ADVERTISING TRUST FUND | | | 5,611,199 |

From funds in Specific Appropriation 250, the Department of Citrus may contract to reimburse the Department of Commerce for an amount not to exceed \$240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 266 and dispensed at the Florida Welcome Stations.

| | | | | |
|-----|--|--|--|------------|
| 251 | OPERATING CAPITAL OUTLAY | | | |
| | FROM CITRUS ADVERTISING TRUST FUND | | | 345,000 |
| 252 | SPECIAL CATEGORIES | | | |
| | PAID ADVERTISING AND PROMOTION | | | |
| | FROM CITRUS ADVERTISING TRUST FUND | | | 69,082,028 |
| 253 | DATA PROCESSING SERVICES | | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | | |
| | FROM CITRUS ADVERTISING TRUST FUND | | | 11,979 |
| 254 | DATA PROCESSING SERVICES | | | |
| | REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM | | | |
| | FROM CITRUS ADVERTISING TRUST FUND | | | 6,000 |

COMMERCE, DEPARTMENT OF

OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

| | | | | |
|-----|---|-----------|----|-----------|
| 255 | SALARIES AND BENEFITS | POSITIONS | 70 | |
| | FROM GENERAL REVENUE FUND | | | 1,406,967 |
| | FROM ADMINISTRATIVE TRUST FUND | | | 1,137,247 |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | | 14,474 |
| | FROM TOURISM PROMOTION TRUST FUND | | | 14,474 |
| 256 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | | 74,428 |
| | FROM ADMINISTRATIVE TRUST FUND | | | 33,000 |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | | 1,945,446 |
| 257 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | | 143,754 |
| | FROM ADMINISTRATIVE TRUST FUND | | | 612,779 |

SECTION 1A

SPECIFIC
APPROPRIATION

| | | | |
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| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 826,669 |
| | FROM TOURISM PROMOTION TRUST FUND | | 40,867 |
| 258 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 15,294 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 93,750 |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 3,028 |
| 259 | SPECIAL CATEGORIES | | |
| | FLORIDA FILM AND TELEVISION INVESTMENT | | |
| | FROM GENERAL REVENUE FUND | 500,000 | |
| 260 | SPECIAL CATEGORIES | | |
| | PAID ADVERTISING AND PROMOTION | | |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 460,779 |
| TOURISM, DIVISION OF | | | |
| 261 | SALARIES AND BENEFITS POSITIONS | 98 | |
| | FROM TOURISM PROMOTION TRUST FUND | | 3,026,133 |
| 262 | OTHER PERSONAL SERVICES | | |
| | FROM TOURISM PROMOTION TRUST FUND | | 131,120 |
| 263 | EXPENSES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 180,000 |
| | FROM TOURISM PROMOTION TRUST FUND | | 1,500,604 |
| 264 | OPERATING CAPITAL OUTLAY | | |
| | FROM TOURISM PROMOTION TRUST FUND | | 26,018 |
| 265 | SPECIAL CATEGORIES | | |
| | PAID ADVERTISING | | |
| | FROM TOURISM PROMOTION TRUST FUND | | 7,706,133 |
| 266 | SPECIAL CATEGORIES | | |
| | PROMOTION | | |
| | FROM TOURISM PROMOTION TRUST FUND | | 520,007 |
| 267 | SPECIAL CATEGORIES | | |
| | MAINTENANCE PROGRAM - WELCOME CENTER | | |
| | EMERGENCY REPAIR AND REPLACEMENT | | |
| | FROM TOURISM PROMOTION TRUST FUND | | 20,000 |
| ECONOMIC DEVELOPMENT, DIVISION OF | | | |
| 268 | SALARIES AND BENEFITS POSITIONS | 89 | |
| | FROM GENERAL REVENUE FUND | 2,743,947 | |
| | FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND | | 37,114 |
| | FROM ECONOMIC DEVELOPMENT TRUST FUND | | 78,830 |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 70,451 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 516,080 |

SECTION 1A

SPECIFIC
APPROPRIATION

| | | | |
|---|--|-----------|-----------|
| | FROM TOURISM PROMOTION TRUST FUND | | 334,151 |
| 269 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 41,889 | |
| | FROM ECONOMIC DEVELOPMENT TRUST FUND | | 165,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 21,840 |
| | FROM TOURISM PROMOTION TRUST FUND | | 450,944 |
| 270 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 971,022 | |
| | FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND | | 15,152 |
| | FROM ECONOMIC DEVELOPMENT TRUST FUND | | 142,170 |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 16,421 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 113,219 |
| | FROM TOURISM PROMOTION TRUST FUND | | 77,643 |
| 271 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 8,663 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 37,953 |
| | FROM TOURISM PROMOTION TRUST FUND | | 1,031 |
| 272 | SPECIAL CATEGORIES | | |
| | PAID ADVERTISING AND PROMOTION | | |
| | FROM GENERAL REVENUE FUND | 479,311 | |
| | FROM TOURISM PROMOTION TRUST FUND | | 5,400 |
| FLORIDA BLACK BUSINESS INVESTMENT BOARD | | | |
| 273 | SALARIES AND BENEFITS | POSITIONS | 6 |
| | FROM GENERAL REVENUE FUND | | 320,670 |
| 274 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 21,576 |
| 275 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 73,424 |
| 276 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 1,583 |
| 277 | SPECIAL CATEGORIES | | |
| | PROMOTION | | |
| | FROM GENERAL REVENUE FUND | | 500 |
| 277A | SPECIAL CATEGORIES | | |
| | VENTURE CAPITAL FOR MINORITY BUSINESS ENTERPRISES | | |
| | FROM GENERAL REVENUE FUND | | 2,000,000 |

From funds provided in Specific Appropriation 277A, the Department of Commerce shall award to currently established Black Business Investment Corporations at least \$150,000 per corporation, and the remaining funds shall be used to establish and create new Black Business Investment Corporations.

SECTION 1A

SPECIFIC APPROPRIATION

INTERNATIONAL TRADE AND DEVELOPMENT, DIVISION OF

| | | | |
|------|---|-----------|-----------|
| 278 | SALARIES AND BENEFITS | POSITIONS | 31 |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 1,215,142 |
| 279 | OTHER PERSONAL SERVICES | | |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 13,882 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 120,000 |
| 280 | EXPENSES | | |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 505,658 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 30,000 |
| 280A | OPERATING CAPITAL OUTLAY | | |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 10,412 |
| 281 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - INTERNATIONAL TRADE PROGRAM | | |
| | FROM TOURISM PROMOTION TRUST FUND | | 1,000,000 |
| 282 | SPECIAL CATEGORIES | | |
| | PAID ADVERTISING AND PROMOTION | | |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 146,464 |
| 282A | SPECIAL CATEGORIES | | |
| | PORTS PROGRAM | | |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 209,475 |
| 283 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES | | |
| | FROM TOURISM PROMOTION TRUST FUND | | 500,000 |
| 284 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - EDU | | |
| | OUTREACH/INTERNATIONAL VOLUNTEER CORP | | |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 243,212 |

From funds provided in Specific Appropriations 268 through 272, and Specific Appropriations 278 through 284, up to \$500,000 may be used in Fiscal Year 1994-95 to establish an International Trade Office in the country of Cuba. This provision is contingent upon the establishment of a freely elected, democratic government in Cuba. The Department of Commerce may establish such an office only after budget amendment consultation as specified in Chapter 216, Florida Statutes.

SECTION 1A

SPECIFIC
APPROPRIATION

From funds in Specific Appropriation 284 at least one half of these funds shall be directed toward programs in non-English speaking countries in the Caribbean region.

COMMUNITY AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriations 285 through 330, it is estimated that \$738,829 is continued from FY 1993-94 to provide 168,153 trips to transportation disadvantaged individuals. The department shall provide, by December 31, 1994, information to the statewide Transportation Disadvantaged Commission on the actual number of trips provided in FY 1993-94 to these individuals and actual expenditures. Information shall also be provided for FY 1994-95 on a year-to-date basis after the first, second and third quarters of FY 1994-95. The information shall be reported in such a manner as to clearly distinguish between those trips provided through coordinated systems established pursuant to Part I of Chapter 427, Florida Statutes and those provided through other sources. In compiling and transmitting this information, the department will use standard definitions and a standard format to be developed by the statewide Transportation Disadvantaged Commission.

OFFICE OF THE SECRETARY

| | | | | |
|-----|---|-----------|-----------|-----------|
| 285 | SALARIES AND BENEFITS | POSITIONS | 150 | |
| | FROM GENERAL REVENUE FUND | | 3,043,274 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 1,339,009 |
| | FROM COASTAL ZONE MANAGEMENT TRUST FUND | | | 269,293 |
| | FROM ECONOMIC OPPORTUNITY TRUST FUND | | | 66,484 |
| | FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND | | | 939,457 |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | | 65,156 |
| | FROM FLORIDA COMMUNITIES TRUST FUND | | | 38,885 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 173,887 |
| | FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND | | | 31,623 |
| 286 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 177,600 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 115,107 |
| | FROM COASTAL ZONE MANAGEMENT TRUST FUND | | | 80,000 |
| | FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND | | | 1,487,972 |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | | 4,266 |
| | FROM FLORIDA COMMUNITIES TRUST FUND | | | 25,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 37,541 |

SECTION 1A
SPECIFIC
APPROPRIATION

| | | | |
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| 287 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 560,840 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 395,486 |
| | FROM COASTAL ZONE MANAGEMENT TRUST FUND | | 283,830 |
| | FROM ECONOMIC OPPORTUNITY TRUST FUND | | 7,100 |
| | FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND | | 231,324 |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | 9,590 |
| | FROM FLORIDA COMMUNITIES TRUST FUND | | 96,680 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 39,024 |
| | FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND | | 5,627 |
| 288 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS FROM FLORIDA COMMUNITIES TRUST FUND | | 150,000 |
| 289 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 2,516 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 9,869 |
| | FROM COASTAL ZONE MANAGEMENT TRUST FUND | | 10,026 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 2,750 |
| 290 | SPECIAL CATEGORIES GRANTS AND AIDS - CRITICAL STATE CONCERN REQUIREMENTS FROM FLORIDA COMMUNITIES TRUST FUND | | 20,000 |
| 291 | SPECIAL CATEGORIES GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS FROM COASTAL ZONE MANAGEMENT TRUST FUND | | 1,866,440 |
| RESOURCE PLANNING AND MANAGEMENT, DIVISION OF | | | |
| 292 | SALARIES AND BENEFITS POSITIONS | 89 | |
| | FROM GENERAL REVENUE FUND | 3,151,239 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 201,006 |
| 293 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 118,650 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 10,000 |
| 294 | EXPENSES FROM GENERAL REVENUE FUND | 786,030 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 58,039 |
| 296 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS FROM GENERAL REVENUE FUND | 2,100,000 | |

SECTION 1A

SPECIFIC APPROPRIATION

| | | |
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| 297 | AID TO LOCAL GOVERNMENTS | |
| | GRANTS AND AIDS - REGIONAL PLANNING | |
| | COUNCILS - STANDARDS DEVELOPMENT | |
| | FROM GENERAL REVENUE FUND | 386,129 |
| 298 | OPERATING CAPITAL OUTLAY | |
| | FROM GENERAL REVENUE FUND | 1,116 |
| 299 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - REGIONAL POLICY PLANNING | |
| | FROM GENERAL REVENUE FUND | 1,000,000 |
| 300 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - LOCAL PLAN REVIEW | |
| | FROM GENERAL REVENUE FUND | 1,055,000 |

From funds provided in Specific Appropriations 297, 299 and 300 for the Regional Planning Councils, 75% is to be divided equally and 25% is to be allocated based upon each councils proportionate share of the state population.

EMERGENCY MANAGEMENT, DIVISION OF

| | | | |
|-----|--|-----------|-----------|
| 301 | SALARIES AND BENEFITS | POSITIONS | 89 |
| | FROM GENERAL REVENUE FUND | | 943,159 |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS | | |
| | AND ASSISTANCE TRUST FUND | | 455,023 |
| | FROM HURRICANE ANDREW RECOVERY AND | | |
| | REBUILDING TRUST FUND | | 43,145 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 248,198 |
| | FROM OPERATING TRUST FUND | | 445,853 |
| | FROM PERSONNEL AND ADMINISTRATION TRUST | | |
| | FUND | | 555,896 |
| | FROM U.S. CONTRIBUTIONS TRUST FUND | | 525,313 |
| 302 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 186,000 | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS | | |
| | AND ASSISTANCE TRUST FUND | | 109,425 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 505,000 |
| | FROM OPERATING TRUST FUND | | 1,100,000 |
| | FROM U.S. CONTRIBUTIONS TRUST FUND | | 48,002 |
| 303 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 258,552 | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS | | |
| | AND ASSISTANCE TRUST FUND | | 165,513 |
| | FROM HURRICANE ANDREW RECOVERY AND | | |
| | REBUILDING TRUST FUND | | 4,795 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 189,478 |
| | FROM OPERATING TRUST FUND | | 204,842 |
| | FROM PERSONNEL AND ADMINISTRATION TRUST | | |
| | FUND | | 118,394 |
| | FROM U.S. CONTRIBUTIONS TRUST FUND | | 299,949 |

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| | | | |
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| 304 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 15,958 | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND | | 31,084 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 572 |
| | FROM PERSONNEL AND ADMINISTRATION TRUST FUND | | 484 |
| | FROM U.S. CONTRIBUTIONS TRUST FUND | | 6,271 |
| 305 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - PAYMENT FLORIDA WING/CIVIL AIR PATROL | | |
| | FROM GENERAL REVENUE FUND | 55,000 | |
| 306 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS | | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND | | 5,669,280 |
| | FROM U.S. CONTRIBUTIONS TRUST FUND | | 83,438 |
| 307 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE | | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND | | 712,125 |
| 308 | SPECIAL CATEGORIES | | |
| | EMERGENCY MANAGEMENT PROGRAMS - LOAN REPAYMENT | | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND | | 1,650,075 |
| 309 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS | | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND | | 2,362,200 |
| 310 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE | | |
| | FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND | | 590,026 |
| | FROM U.S. CONTRIBUTIONS TRUST FUND | | 832,758 |
| 311 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES | | |
| | FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND | | 1,200,000 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|-----|--|--|-------------|
| 312 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - STATE AND FEDERAL | | |
| | DISASTER RELIEF OPERATIONS - HURRICANE | | |
| | ANDREW | | |
| | FROM HURRICANE ANDREW DISASTER RELIEF | | |
| | TRUST FUND | | 440,990,000 |

From funds in Specific Appropriations 301 through 312, the department shall implement the Information Technology Resources applications approved during FY 1993-94. Any future requests for Geographic Information Systems (GIS) technology improvements shall first be reviewed and recommended by the Information Resource Commission (IRC).

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

| | | | |
|-----|--|-----------|-----------|
| 313 | SALARIES AND BENEFITS | POSITIONS | 103 |
| | FROM GENERAL REVENUE FUND | | 783,310 |
| | FROM COMMUNITY DEVELOPMENT BLOCK GRANT | | |
| | TRUST FUND | | 327,921 |
| | FROM COMMUNITY SERVICES BLOCK GRANT | | |
| | TRUST FUND | | 328,066 |
| | FROM ECONOMIC OPPORTUNITY TRUST FUND | | 1,020,657 |
| | FROM STATE HOUSING TRUST FUND | | 37,368 |
| | FROM GOVERNOR'S COUNCIL ON CRIMINAL | | |
| | JUSTICE TRUST FUND | | 282,439 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 390,996 |
| | FROM LOW INCOME HOME ENERGY ASSISTANCE | | |
| | PROGRAM BLOCK GRANT TRUST FUND | | 108,618 |
| | FROM OPERATING TRUST FUND | | 719,376 |
| 314 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 13,344 |
| | FROM COMMUNITY DEVELOPMENT BLOCK GRANT | | |
| | TRUST FUND | | 89,437 |
| | FROM COMMUNITY SERVICES BLOCK GRANT | | |
| | TRUST FUND | | 27,385 |
| | FROM ECONOMIC OPPORTUNITY TRUST FUND | | 489,699 |
| | FROM GOVERNOR'S COUNCIL ON CRIMINAL | | |
| | JUSTICE TRUST FUND | | 300,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 471,585 |
| | FROM OPERATING TRUST FUND | | 1,124,221 |
| 315 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 167,802 |
| | FROM COMMUNITY DEVELOPMENT BLOCK GRANT | | |
| | TRUST FUND | | 144,728 |
| | FROM COMMUNITY SERVICES BLOCK GRANT | | |
| | TRUST FUND | | 82,245 |
| | FROM ECONOMIC OPPORTUNITY TRUST FUND | | 546,180 |
| | FROM STATE HOUSING TRUST FUND | | 29,979 |
| | FROM GOVERNOR'S COUNCIL ON CRIMINAL | | |
| | JUSTICE TRUST FUND | | 93,127 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 330,711 |

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SPECIFIC APPROPRIATION

| | | | |
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| | FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND | | 288,503 |
| | FROM OPERATING TRUST FUND | | 345,893 |
| 316 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 1,778 | |
| | FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND | | 412 |
| | FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND | | 223 |
| | FROM ECONOMIC OPPORTUNITY TRUST FUND | | 2,618 |
| | FROM STATE HOUSING TRUST FUND | | 48 |
| | FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND | | 4,221 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 88 |
| | FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND | | 10 |
| | FROM OPERATING TRUST FUND | | 3,500 |
| 317 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS | | |
| | FROM GENERAL REVENUE FUND | 800,000 | |

Funds provided in Specific Appropriation 317 shall be awarded in equal amounts to those Community Development Corporations funded in Fiscal Year 1993-94.

| | | | |
|-----|---|--|------------|
| 318 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - HOME ENERGY ASSISTANCE | | |
| | FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND | | 19,554,101 |
| 319 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES | | |
| | FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND | | 340,000 |
| 320 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW | | |
| | FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND | | 7,960,000 |

HOUSING FINANCE AGENCY

| | | | | |
|-----|--|-----------|----|-----------|
| 321 | SALARIES AND BENEFITS | POSITIONS | 53 | |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | | 44,343 |
| | FROM STATE HOUSING TRUST FUND | | | 612,720 |
| | FROM HOME PARTNERSHIP TRUST FUND | | | 44,343 |
| | FROM HOUSING PREDEVELOPMENT TRUST FUND | | | 131,437 |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | | | 1,311,791 |

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| | | |
|------|---|------------|
| 322 | OTHER PERSONAL SERVICES | |
| | FROM HOUSING PREDEVELOPMENT TRUST FUND | 100,000 |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | 921,400 |
| | From funds in Specific Appropriation 322 from the Housing Finance Agency Trust Fund, \$500,000 shall be used to evaluate the state recognized model building codes to identify inadequate, unnecessary or outdated requirements, prepare a statewide, Florida-specific model building code, and develop alternative methodologies for determining compliance with wind load standards for hurricane resistant construction with respect to one and two family dwellings in Florida. | |
| 323 | EXPENSES | |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | 4,795 |
| | FROM STATE HOUSING TRUST FUND | 346,500 |
| | FROM HOME PARTNERSHIP TRUST FUND | 10,345 |
| | FROM HOUSING PREDEVELOPMENT TRUST FUND | 36,147 |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | 560,842 |
| 324 | AID TO LOCAL GOVERNMENTS | |
| | GRANTS AND AIDS - FEDERAL HOUSING PROGRAMS | |
| | FROM HOME PARTNERSHIP TRUST FUND | 21,000,000 |
| 325 | OPERATING CAPITAL OUTLAY | |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | 206,676 |
| 326 | SPECIAL CATEGORIES | |
| | ACCOUNTING SERVICES | |
| | FROM STATE HOUSING TRUST FUND | 200,000 |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | 643,400 |
| 327 | SPECIAL CATEGORIES | |
| | CREDIT UNDERWRITING AND MONITORING | |
| | FROM HOUSING PREDEVELOPMENT TRUST FUND | 15,000 |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | 1,083,363 |
| 327A | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - HURRICANE ANDREW HOUSING RELIEF | |
| | FROM HOME PARTNERSHIP TRUST FUND | 500,000 |
| 328 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - HOUSING ASSISTANCE PAYMENTS | |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | 10,992,388 |
| 329 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS-HOME OWNERSHIP LOANS DEMONSTRATION PROJECT | |
| | FROM HOUSING FINANCE AGENCY TRUST FUND | 4,000,000 |

Funds in Specific Appropriation 329 are provided

SECTION 1A

SPECIFIC APPROPRIATION

for continuance of the affordable housing programs for the credit deficiency mortgage lending demonstration for statewide projects funded through a minority owned and federally insured financial institution or a not-for-profit housing institute.

| | | | |
|-----|--|--|---------|
| 330 | SPECIAL CATEGORIES | | |
| | SERVICING AND TRUSTEE FEES | | |
| | FROM HOUSING FINANCE AGENCY TRUST FUND . . . | | 410,550 |

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE SECRETARY AND OFFICE OF MANAGEMENT AND BUDGET

| | | | | |
|-----|---|-----------|-----------|---------|
| 331 | SALARIES AND BENEFITS | POSITIONS | 239 | |
| | FROM GENERAL REVENUE FUND | | 9,224,491 | |
| | FROM CRIMINAL JUSTICE TRAINING TRUST FUND | | | 60,267 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 279,145 |
| 332 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 220,551 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 20,000 |
| 333 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,743,631 | |
| | FROM CRIMINAL JUSTICE TRAINING TRUST FUND | | | 953,212 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 359,635 |

From the funds in Specific Appropriation 333, \$250,000 from the receipts of the Inmate Welfare Fund deposited into the Grants and Donations Trust Fund shall be used to provide instructional support service for educational distance learning programs for state correctional facilities.

Programs shall include instructional educational programs for inmates and inservice instructional programs. The provider should have experience in providing distance learning education.

| | | | | |
|------|--|--|---------|--------|
| 334 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 26,622 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 25,000 |
| 334A | LUMP SUM | | | |
| | SATELLITE TELECOMMUNICATION LINKS | | | |
| | FROM GENERAL REVENUE FUND | | 400,000 | |
| 335 | SPECIAL CATEGORIES | | | |
| | OFFICE OF MANAGEMENT AND BUDGET LAW | | | |
| | LIBRARY | | | |
| | FROM GENERAL REVENUE FUND | | 9,649 | |

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SPECIFIC APPROPRIATION

| | | |
|-----|--|-----------|
| 336 | DATA PROCESSING SERVICES JUSTICE DATA CENTER FROM GENERAL REVENUE FUND | 4,458,049 |
| 337 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND | 226,334 |
| 338 | DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND | 1,037,065 |

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

From the funds in Specific Appropriations 339, 341 and 342, four FTEs and \$200,000, \$20,692, \$15,308, respectively, are provided to implement the provisions of SB 68.

| | | |
|-----|---|----------------------|
| 339 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND | 133 4,416,011 |
| 340 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 118,688 |
| 341 | EXPENSES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . . | 902,168 1,000,000 |

From the funds in Specific Appropriation 341, \$1,000,000 from the receipts of the Inmate Welfare Fund deposited into the Grants and Donations Trust Fund is to be used by the Department of Corrections to contract for continuing education and staff training services for the training of inmates in life management skills and behavioral modification.

The provider contracted with for said services shall have a fully developed program which has been proven in both staff and inmate training in major correctional facilities. Implementation must be customized to meet specific outcomes with the ability to train facilitators to deliver the program curriculum.

| | | |
|------|--|---------|
| 342 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 36,002 |
| 342A | SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND | 100,000 |

From the funds in Specific Appropriation 342A, \$100,000 from the General Revenue Fund is to be used

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by the Division of Economic and Demographic Research, Joint Legislative Management Committee, to contract for educational consulting services to perform research on establishing and validating an automated education assessment system, with special emphasis on testing and assessment of female inmates for the purpose of establishing equitable vocational programs as required by s. 944.24(3), F.S. (1993).

| | | | |
|-----|---|--|---------|
| 343 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM | | |
| | FROM GENERAL REVENUE FUND | | 150,000 |

Funds in Specific Appropriation 343 are to be used to contract for on-the-job training services for offenders after release.

ASSISTANT SECRETARY FOR HEALTH SERVICES

| | | | |
|-----|-------------------------------------|-----------|-------------|
| 344 | SALARIES AND BENEFITS | POSITIONS | 2,577 |
| | FROM GENERAL REVENUE FUND | | 100,673,512 |

From the funds in Specific Appropriation 344, the Department of Health and Rehabilitative Services and the Department of Corrections shall conduct a joint study to determine the feasibility of establishing a nursing home program for elderly and disabled inmates on the grounds of G. Pierce Wood Memorial Hospital. A report of the findings shall be submitted by November 1, 1994, to the Executive Office of the Governor and the chairmen of the House and Senate Appropriations committees. The report shall contain itemized costs of renovations, operations, and security if this program is determined to be feasible.

| | | | |
|-----|-------------------------------------|--|-----------|
| 345 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 2,038,339 |

| | | | |
|-----|-------------------------------------|--|------------|
| 346 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 36,955,459 |

Funds are provided in Specific Appropriation 346 for contractual medical services for inmates. In awarding contracts, the department shall emphasize economy, cost-effectiveness, and continuity of services.

| | | | |
|-----|-------------------------------------|--|---------|
| 347 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 867,954 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | |
|-----|--|------------|
| 348 | SPECIAL CATEGORIES COMMUNITY HOSPITAL COSTS FROM GENERAL REVENUE FUND | 20,282,510 |
| 350 | SPECIAL CATEGORIES CONTRACT FOR HEALTH SERVICES - SOUTH FLORIDA RECEPTION CENTER FROM GENERAL REVENUE FUND | 10,238,512 |
| 351 | SPECIAL CATEGORIES TREATMENT OF INMATES WITH ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) FROM GENERAL REVENUE FUND | 5,800,000 |

CORRECTIONAL EDUCATION SCHOOL AUTHORITY

In the event of a General Revenue shortfall, as provided in Chapter 216, Florida Statutes, the total of the funds in Specific Appropriations 352 through 356A shall not be reduced in excess of the overall percentage reduction factor required of the Department of Corrections.

From the funds in Specific Appropriations 352, 354 and 355, nine FTEs and \$230,663, \$32,845, and \$192,252, respectively, are funded from receipts of the Inmate Welfare fund deposited into the Grants and Donations Trust Fund.

| | | | |
|------|--|-----------|-----------|
| 352 | SALARIES AND BENEFITS | POSITIONS | 318 |
| | FROM GENERAL REVENUE FUND | | 8,755,593 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 2,492,515 |
| 353 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 688,645 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 224,465 |
| 354 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 429,993 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 812,110 |
| 355 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 104,590 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 542,584 |
| 356 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | | 12,003 |
| 356A | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 1,000,000 |

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APPROPRIATION

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS
OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND
REGIONAL ADMINISTRATION

| | | | | |
|-----|--|-----------|-----------|---------|
| 357 | SALARIES AND BENEFITS | POSITIONS | 79 | |
| | FROM GENERAL REVENUE FUND | | 3,192,410 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 150,740 |
| 358 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,081,370 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 25,522 |
| 359 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 15,701 | |
| 360 | SPECIAL CATEGORIES | | | |
| | TUITION PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | | 355,360 | |

MAJOR INSTITUTIONS

| | | | | |
|-----|--|-----------|-------------|-----------|
| 361 | SALARIES AND BENEFITS | POSITIONS | 16,835 | |
| | FROM GENERAL REVENUE FUND | | 462,307,247 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 6,359,496 |
| | FROM INMATE WORK TRUST FUND | | | 9,189,624 |
| 362 | OTHER PERSONAL SERVICES | | | |
| | FROM FLORIDA AGRICULTURAL EXPOSITION | | | |
| | TRUST FUND | | | 50,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 785,107 |

From the funds in Specific Appropriation 362, \$256,686 is provided for prison legal services from receipts of the Inmate Welfare fund deposited into the Grants and Donations Trust Fund. Additionally, any award of attorney fees and costs made pursuant to 42 U.S.C. 1988 shall result in a reduction in an amount identical to such fee award and the costs and fees expended by the Division of Risk Management of the Department of Insurance in defending or litigating over the award of such fees.

| | | | | |
|-----|--|--|-------------|-----------|
| 363 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 105,293,715 | |
| | FROM FLORIDA AGRICULTURAL EXPOSITION | | | |
| | TRUST FUND | | | 127,962 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 1,239,803 |
| | FROM INMATE WORK TRUST FUND | | | 491,312 |
| 364 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 1,886,179 | |
| | FROM FLORIDA AGRICULTURAL EXPOSITION | | | |
| | TRUST FUND | | | 44,320 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 1,500,000 |

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SPECIFIC
APPROPRIATION

| | | | |
|--|--|------------|-----------|
| | FROM INMATE WORK TRUST FUND | | 100,000 |
| 365 | FOOD PRODUCTS | | |
| | FROM GENERAL REVENUE FUND | 43,942,643 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 615,378 |
| 365A | LUMP SUM | | |
| | TRANSITION ASSISTANCE | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 1,000,000 |
| 366 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 210,379 | |
| | FROM INMATE WORK TRUST FUND | | 225,000 |
| 367 | SPECIAL CATEGORIES | | |
| | CONTRACT CORRECTIONAL INSTITUTION | | |
| | FROM GENERAL REVENUE FUND | 4,150,081 | |
| <p>Due to the two year delay in completing the financing of this project, which was not the fault of the successful vendor, the department is hereby authorized to increase the per diem under the lease-purchase agreement to cover the normal increases in the cost of construction and financing.</p> | | | |
| 368 | SPECIAL CATEGORIES | | |
| | CONTRACT DRUG ABUSE SERVICES | | |
| | FROM GENERAL REVENUE FUND | 4,846,717 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 416,972 |
| 369 | SPECIAL CATEGORIES | | |
| | MAJOR INSTITUTIONS LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 143,635 | |
| 370 | SPECIAL CATEGORIES | | |
| | RETURN OF PAROLE VIOLATORS | | |
| | FROM GENERAL REVENUE FUND | 131,313 | |
| 371 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 3,810,179 | |
| 372 | SPECIAL CATEGORIES | | |
| | STATE EMPLOYEES' CHILD CARE CENTER OPERATION | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 810,000 |
| 373 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | DISCHARGE AND TRAVEL PAY | | |
| | FROM GENERAL REVENUE FUND | 2,337,700 | |
| 373A | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 461,418 | |

SECTION 1A

SPECIFIC APPROPRIATION

PROBATION AND PAROLE SERVICES

The funds provided in Specific Appropriations 374 through 385 for the probation and restitution centers shall only be used for supervision of felony probationers.

| | | | | |
|-----|--------------------------------------|-----------|-------------|-----------|
| 374 | SALARIES AND BENEFITS | POSITIONS | 4,308 | |
| | FROM GENERAL REVENUE FUND | | 130,702,791 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 2,692,051 |
| 375 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 25,726,676 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 2,248,834 |

From the funds in Specific Appropriation 375, up to \$150,300 may be expended from the receipts of the Inmate Welfare Fund deposited into the Grants and Donations Trust Fund to be used as determined by the Department for funding adult literacy and GED programs for probationers as a condition of a probationer's sentence.

| | | | | |
|-----|--|--|---------|--------|
| 377 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 151,768 | |
| | FROM ELECTRONIC MONITORING RECOVERY TRUST FUND | | | 45,600 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 24,644 |

| | | | | |
|-----|---------------------------|--|---------|--|
| 378 | FOOD PRODUCTS | | | |
| | FROM GENERAL REVENUE FUND | | 374,399 | |

| | | | | |
|-----|---|--|-----------|--|
| 379 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS | | | |
| | FROM GENERAL REVENUE FUND | | 1,911,586 | |

From the funds in Specific Appropriation 379, \$1,411,586 shall be used to house a minimum of 92 offenders in local detention or correctional facilities on a per diem basis. The per diem reimbursement may not exceed the per diem published in the Department of Corrections' most recent annual report for total department facilities.

The Department is hereby authorized to establish 100 FTEs, which shall initially be placed in reserve, for the purpose of staffing and operating a leased facility.

From the funds in Specific Appropriation 379, \$500,000 shall be used to contract for alternatives to incarceration services in the Eleventh Judicial Circuit.

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|-----|---|------------|-----------|
| 380 | SPECIAL CATEGORIES DIVERSION CENTERS OPERATIONS FROM GENERAL REVENUE FUND | 5,840,000 | |
| 381 | SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND | 401,011 | |
| 382 | SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND | 111,840 | |
| 383 | SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . . | 13,080,982 | 2,597,407 |

From funds provided in Specific Appropriation 383, \$10,281,200 from the General Revenue Fund is provided for twelve months funding to fund a maximum of 868 non-secure contract drug treatment beds statewide at an average rate not to exceed \$35 per day, and not to exceed \$38 per day.

From the funds provided in Specific Appropriation 383, \$1,481,709 from the General Revenue Fund and \$1,992,480 from the Grants and Donations Trust Fund are provided to fund a maximum of 183 secure contract drug treatment beds at a rate not to exceed \$52 per day.

From the funds in Specific Appropriation 383, \$714,000 from the General Revenue Fund shall be used to fund contracted drug treatment programs for youthful offender probationers.

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| 384 | SPECIAL CATEGORIES GRANTS AND AIDS - OPERATION OF COUNTY WORK CAMPS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . . | 1,690,080 | 1,300,000 |
| 385 | DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . . | | 1,930,184 |

COMMUNITY FACILITIES AND ROAD PRISONS

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|-----|---|---------------------|----------------------|
| 386 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM OPERATING TRUST FUND | 1,502 39,444,224 | 123,623 7,243,899 |
| 387 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 72,185 | |

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|-----|--|------------|-----------|
| | FROM OPERATING TRUST FUND | | 13,181 |
| 388 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 10,155,476 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 23,424 |
| | FROM OPERATING TRUST FUND | | 1,190,452 |
| 389 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 113,907 | |
| | FROM OPERATING TRUST FUND | | 19,282 |
| 390 | FOOD PRODUCTS | | |
| | FROM GENERAL REVENUE FUND | 2,818,635 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 5,000 |
| | FROM OPERATING TRUST FUND | | 543,729 |
| 391 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM OPERATING TRUST FUND | | 122,500 |
| 392 | SPECIAL CATEGORIES | | |
| | CONTRACT DRUG ABUSE SERVICES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 1,315,648 |
| 393 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED DRUG | | |
| | TREATMENT/REHABILITATION PROGRAMS | | |
| | FROM GENERAL REVENUE FUND | 958,125 | |

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds provided from the Special Trust Fund, including additional appropriations approved by the Executive Office of the Governor, may be transferred by the Department of Education to the appropriate trust fund for disbursement purposes. Such transfers shall be made to categories of appropriations similar in purpose to the category of appropriations from which transferred.

Funds provided in Specific Appropriations 394 through 612 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.

A commission shall be formed to ensure statewide coordination of all automated educational computerized systems and networking. The commission shall be composed of the Commissioner of Education, the Secretary of State, the Chancellor of the State University System, the Executive Director of the State Community College System and the Executive Administrator of the Information Resource Commission. Educational automation plans, annual

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budgets and legislative requests of the Department of Education, the State University System, the Community College System, and the Division of Library and Information Services of the Department of State shall be submitted to and reviewed by the commission to ensure networking and automation compatibility.

No funds are provided in Specific Appropriation 394 through 612 for meeting fifth year requirements of P.L. 99-457, Part H.

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.

OFFICE OF THE COMMISSIONER

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| 394 | SALARIES AND BENEFITS | POSITIONS | 108 | |
| | FROM GENERAL REVENUE FUND | | 3,456,674 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | | 127,710 |
| | FROM INSTITUTIONAL ASSESSMENT TRUST FUND | | | 748,475 |
| 395 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 77,950 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | | 22,000 |
| | FROM INSTITUTIONAL ASSESSMENT TRUST FUND | | | 63,148 |

From the funds provided in Specific Appropriation 395, \$16,515 is provided from the General Revenue Fund for the Florida Institute for Film Education.

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|-----|--|--|-----------|---------|
| 396 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,409,828 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | | 37,983 |
| | FROM INSTITUTIONAL ASSESSMENT TRUST FUND | | | 326,513 |

From the funds appropriated in Specific Appropriation 396, \$25,015 is provided from the General Revenue Fund for the Florida Institute for Film Education.

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| 397 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 64,788 | |
| | FROM INSTITUTIONAL ASSESSMENT TRUST FUND | | | 37,682 |

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|-----|-------------------------------------|--|--------|--|
| 398 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - OVERSIGHT | | | |
| | FROM GENERAL REVENUE FUND | | 60,000 | |

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|-----|---|--|-----------|--|
| 399 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM | | | |
| | FROM GENERAL REVENUE FUND | | 2,500,000 | |

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Funds appropriated in Specific Appropriation 399 may be used for one, two or three year grants. Programs that demonstrate successful current year implementation shall be eligible to receive renewal awards for one or two additional years after the initial year of funding.

From the funds in Specific Appropriation 399, \$34,000 shall be allocated by the Department of Education to the Postsecondary Education Planning Commission to continue development of a cohort analysis of college reach-out program participants.

~~From the funds provided in Specific Appropriation 399, \$100,000 shall be provided to the Office of Business and Citizen Partnerships to produce, capitalize and distribute a series of educational materials, including videos, pamphlets, teaching guides and other forms of medium, to be utilized in the school districts of Florida for the purpose of educating the state's school children at levels K-9 to deter them from becoming participants in the juvenile justice system. Such funds shall be administered by the Office of Business and Citizen Partnerships within the Department of Education and shall be matched on a one to one basis by private monetary or in-kind donations. The Office shall contract with a private or non-profit entity to secure such private dollars, and shall assist to identify other privately provided resources for the production and distribution of the educational tools. Excess proceeds, if any, from this effort shall initially be utilized to reimburse the State for its contribution and any remaining proceeds thereafter shall be used for a grant program administered by the Office of Business and Citizen Partnerships to qualified organizations throughout the state to support their respective crime prevention programs.~~

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| 400 | SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND | 178,949 |
| 401 | SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM GENERAL REVENUE FUND | 1,514,244 |
| 402 | SPECIAL CATEGORIES LITIGATION EXPENSES FROM GENERAL REVENUE FUND | 31,755 |
| 403 | SPECIAL CATEGORIES SCHOOL VOLUNTEERS ADVISORY COUNCIL FROM EDUCATIONAL AIDS TRUST FUND | 46,053 |

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404 SPECIAL CATEGORIES
 EDUCATIONAL ENHANCEMENT PROGRAM
 FROM GENERAL REVENUE FUND 200,000

OFFICE OF EDUCATIONAL FACILITIES

406 SALARIES AND BENEFITS POSITIONS 72
 FROM FACILITIES CONSTRUCTION
 ADMINISTRATION TRUST FUND 3,754,828

The Department shall complete deletion of the 23 positions reduced from Specific Appropriation 406 by December 1, 1994.

407 OTHER PERSONAL SERVICES
 FROM FACILITIES CONSTRUCTION
 ADMINISTRATION TRUST FUND 31,291

408 EXPENSES
 FROM FACILITIES CONSTRUCTION
 ADMINISTRATION TRUST FUND 1,188,901

409 OPERATING CAPITAL OUTLAY
 FROM FACILITIES CONSTRUCTION
 ADMINISTRATION TRUST FUND 33,393

410 SPECIAL CATEGORIES
 GRANTS AND AIDS - CONTRACTED SERVICES
 FROM FACILITIES CONSTRUCTION
 ADMINISTRATION TRUST FUND 215,801

411 SPECIAL CATEGORIES
 GRANTS AND AIDS - FLORIDA SOLAR ENERGY CENTER
 FROM FACILITIES CONSTRUCTION
 ADMINISTRATION TRUST FUND 30,000

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, BUDGETING AND MANAGEMENT

413 SALARIES AND BENEFITS POSITIONS 104
 FROM GENERAL REVENUE FUND 3,831,273
 FROM SPECIAL TRUST FUND 43,153

414 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 76,795
 FROM SPECIAL TRUST FUND 21,294

415 EXPENSES
 FROM GENERAL REVENUE FUND 2,046,431
 FROM SPECIAL TRUST FUND 111,318

416 OPERATING CAPITAL OUTLAY
 FROM GENERAL REVENUE FUND 101,183
 FROM SPECIAL TRUST FUND 280,944

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- 417 SPECIAL CATEGORIES
 - GRANTS AND AIDS - COMPREHENSIVE
 - ACCOUNTABILITY TRAINING
 - FROM GENERAL REVENUE FUND 3,147,277

Funds provided in Specific Appropriation 417 shall be used for a state-wide coordinated accountability training support system. This support system shall include training required to successfully implement a student-centered outcome-based accountability system in every school and shall include the training needs of school district and state personnel. The current Regional Training and Leadership Networks, the Chief Executive Officer Leadership Development Program, and districts' human resources development program deemed appropriate shall be an integral part of the Accountability Training Support System. The primary objective of the support system shall be to enhance the capacity of personnel in each district and each school to effectively perform their responsibilities. Priority shall be given to training as many additional Master Trainers and trainers necessary to meet the needs of each district and each school. Essential training materials which cannot be secured from another source may be designed and developed.

- 418 SPECIAL CATEGORIES
 - CAPITOL TECHNICAL CENTER
 - FROM GENERAL REVENUE FUND 124,823

Funds provided in Specific Appropriation 418 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

- 419 SPECIAL CATEGORIES
 - GRANTS AND AIDS - CONTRACTED SERVICES
 - FROM GENERAL REVENUE FUND 378,574

- 420 SPECIAL CATEGORIES
 - COST-OF-LIVING PRICE SURVEY
 - FROM GENERAL REVENUE FUND 230,205
 - FROM SPECIAL TRUST FUND 120,000

The Department of Education shall contract with experts with demonstrated experience and competence for a study of the Florida Price Level Index and the District Cost Differential (DCD) as specified in Section 236.081(2), F.S. The study shall evaluate the economic assumptions and procedures used in the development of the index and differential and recommend changes to the assumptions or procedures as appropriate. A status report of the results of the study shall be provided to the Legislature on or before February 1, 1995.

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| 421 | SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS FROM GENERAL REVENUE FUND | 1,714,494 |
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Funds in Specific Appropriation 421 shall be allocated to the Multidisciplinary Educational Services Centers as follows: University of Florida, \$382,971; University of Miami, \$315,989; Florida State University, \$324,081; University of South Florida, \$380,584; and University of Florida Health Science Center at Jacksonville, \$310,869. Each center shall provide a report to the Department of Education by September 1, 1994, for the 1993-94 year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

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| 422 | SPECIAL CATEGORIES FEDERAL EQUIPMENT MATCHING GRANT FROM GENERAL REVENUE FUND | 429,566 |
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| 423 | SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK FROM GENERAL REVENUE FUND | 10,189,258 |
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The funds provided in Specific Appropriation 423 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.

Included in the funds in Specific Appropriation 423 are \$4,250,000 for the community colleges and the Division of Community Colleges (DCC) to comply with the 1987 proviso requiring the development and integration of student, staff, and financial databases. These databases are to be integrated with the facilities database. The databases and the integration defined in this section are to be operational by July 1, 1996. Final data format specifications shall be delivered to the colleges by July 1, 1995, and shall specify all data to be submitted by the colleges. All colleges shall submit required data to the database beginning with the summer term of 1996.

This appropriation emphasizes and rewards sharing development activities. The Executive Director of the State Community College System and each

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community college president shall have on their annual evaluation a section reflecting how successful compliance with this effort has been for the year. This shall include the achievement of planned steps by planned deadlines in the development process, a report on the dollars and staff time devoted to this initiative, and the activities devoted to sharing with other colleges in the development initiative. The State Board of Community Colleges shall develop the actual evaluation wording to be used by each local Board of Trustees.

There shall be established a Database Implementation Task Force (DITF) that includes representatives from the Division of Community Colleges, the Florida Information Resource Network (FIRN), and four community colleges. FIRN will serve as the coordinator of the development initiatives for both the community colleges and the division office. The community college representatives shall be selected by the Executive Director of the State Community College System in consultation with the Community Colleges' Council of Presidents. The DITF shall arrive at its decisions on the basis of the consensus of all members. The DITF will have the following responsibilities: directing resources to provide technical assistance to the colleges in their development and execution of their database implementation plans; reviewing and giving final approval to the implementation plans submitted by college consortia or individual colleges not participating in a consortia; reviewing and approving financial allocations based on the needs expressed in these implementation plans; monitoring and providing oversight for each project funded; and reporting back to the Legislature and the Governor on the progress towards implementation by the colleges and the consortia. The DITF will appoint a small (not more than nine experts) Peer Technical Committee made up of college representatives which shall review the colleges' implementation plans and make funding and other recommendations to the DITF according to criteria established by the DITF. Implementation plans shall illustrate each college's current system, describe the changes that must be made locally to meet the goals of this proviso, list the tasks that must be completed to achieve these goals, provide a project schedule for the completion of these tasks by July 1, 1996, and include any request for impact funding to assist in performing these tasks. Implementation plans must be directly and clearly related to implementing one or more of the required databases. The project schedule must also show the college being ready to submit all required data to the database beginning with the data for the summer term of 1996. A financial

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analysis supporting requests for impact funding for tasks to be performed during the first of the two years of this implementation effort shall be included in the implementation plans.

From Specific Appropriation 423, \$200,000 is provided to the Florida Information Resource Network to support the Data Base Implementation Task Force with support staff and that staff's capital outlay and expense funding.

From Specific Appropriation 423, the sum of \$200,000 is provided to FIRN to review the student, staff, financial, and facilities databases and develop a design for an integrated community colleges database that is responsive to the information needs of the colleges, the Division of Community Colleges, the Department of Education, the Governor's Office, and the Legislature. Design specifications shall also include a list of queries that will be used by FIRN to certify that an integrated system, responsive to the needs set forth above, has been developed. FIRN may contract with a college or a vendor for this work, in which Division of Community Colleges Management Information Systems staff shall also participate. Final specifications for an integrated database shall be delivered to the Division of Community Colleges by July 1, 1995; final data input formats and data edit specifications shall be delivered to the Division of Community Colleges and the colleges by this same date. At the completion of this design effort, funds from this \$200,000 may be used, if they are available, to begin the implementation of the integrated design, with the participation of Division of Community Colleges Management Information Systems staff. With second year funding, the implementation of the integrated design shall be completed by July 1, 1996. FIRN shall conduct a certification test to determine that an integrated database responsive to the goals in this proviso has been developed, and deliver its certification report to the Governor and the Legislature by October 1, 1996.

From Specific Appropriation 423, the sum of \$350,000 of non-recurring dollars is provided for the design of a community college accountability system that includes degree-audit functionality. FIRN may contract with a college or a vendor for this design. The design shall satisfy the accountability and degree-audit needs of the students, the colleges, and state government, and shall, as much as possible, provide degree-audit functionality that can be used for academic counseling and articulation with the State University System. In preparing the design, a review

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shall be conducted of the designs of any existing degree-audit systems to be found in Florida's public community colleges and universities, and the results of this review used as a starting point for soliciting input from all community colleges as to their accountability and degree-audit needs, and those of their students. Input from the Peer Technical Committee shall also be solicited as a part of this project. In addition, a survey of the data processing environments of the community colleges shall be conducted to insure that the design can be implemented in as many data processing environments as feasible. Where implementation is not feasible, alternate data processing implementation solutions shall be recommended as a part of the design. The final design document shall be delivered to the community colleges, their consortia, and the DITF by July 1, 1995.

From Specific Appropriation 423, the sum of \$950,000 of non-recurring funds are provided to fund the existing IBM mid-range consortium of small colleges including Lake-Sumter, North Florida, St. Johns River, and Santa Fe Community Colleges. Florida Keys, South Florida, and Manatee Community Colleges are included in this consortium and are encouraged, but not required to, participate in the use of these shared common software development activities based on the migration of Santa Fe Community College software. Should any of these three colleges elect not to participate in the consortium, they must notify the consortium and the DITF of its decision to be treated as a non-consortium college by August 1, 1994. Consortium funding shall not be affected by such election. All member colleges must submit their implementation plans to the consortium by August 1, 1994. The consortium shall then incorporate these plans in an overall consortium plan (which shall allocate funding to the consortium and each college) and submit this plan to the Peer Technical Committee to review and recommend funding to the DITF for approval by October 1, 1994. Technical assistance for the consortium may be provided from the \$950,000. The consortium shall designate one member college as the fiscal agent for the consortium. The DITF shall release the consortium funds to that college as provided in the approved consortium plan. This consortium is bound by all provisions stated elsewhere in this proviso for reporting and use of funds.

From Specific Appropriation 423, the sum of \$600,000 of non-recurring dollars are provided to fund the existing UNISYS Consortium. These colleges include Daytona Beach, Gulf Coast, Polk, Pasco-Hernando, Pensacola, Seminole, and St.

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Petersburg Junior Colleges. All member colleges must submit their implementation plans to the consortium by August 1, 1994. The consortium shall then incorporate these plans in an overall consortium plan which shall allocate funding to the consortium and each college and submit this plan to the Peer Technical Committee to review and recommend funding to the DITF for approval by October 1, 1994. Technical assistance for the consortium may be provided from the \$600,000. The consortium shall designate one member college as the fiscal agent for the consortium. The DITF shall release the consortium funds to that college as provided in the approved consortium plan. This consortium is bound by all provisions stated elsewhere in this proviso for reporting and use of funds.

From Specific Appropriation 423, \$1,350,000 of nonrecurring funds is provided to fund the Florida Community College Software Consortium. The Colleges in this consortium include Edison, Florida Community College at Jacksonville, Indian River, Miami-Dade, Okaloosa-Walton, Palm Beach, and Tallahassee Community Colleges. All member colleges must submit their implementation plans to the consortium by August 1, 1994. The consortium shall then incorporate these plans in an overall consortium plan, which shall allocate funding to the consortium and each college, and submit this plan to the Peer Technical Committee to review and recommend funding to the DITF for approval by October 1, 1994. Technical assistance for the consortium may be provided from the \$1,350,000. The consortium shall designate one member college as the fiscal agent for the consortium. The DITF shall release the consortium funds to that college as provided in the approved consortium plan. This consortium is bound by all provisions stated elsewhere in this proviso for reporting and use of funds.

From Specific Appropriation 423, the sum of \$600,000 non-recurring dollars is provided to assist those colleges which are not IBM mid-range, UNISYS, or Florida Community College Software consortia, or which elect not to participate in the IBM mid-range consortium. All such colleges must submit implementation plans to the DITF by August 1, 1994. The Peer Technical Committee shall review the implementation plans submitted by these colleges and recommend funding to the DITF for approval. The DITF shall develop criteria for the evaluation of proposals which shall give greater weight and resource allocations to those plans and budgets which involve shared systems development activities in the formation of new consortia. Technical assistance for colleges may be provided from the \$600,000. Should any of these colleges choose to

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participate in either the IBM mid-range consortium, the UNISYS consortium, or the Florida Community College Software Consortium, the DITF in consultation with the Peer Technical Committee may transfer funds from the \$600,000 and add them to the funding of the consortium. Notice of election to participate in a consortium and of the consortium's acceptance of the new member college must be given by August 1, 1994, and the participating college must submit its implementation plan to the consortium by that date.

All consortia and colleges not participating in consortia must make semi-annual progress reports to the DITF, on December 15, 1994, and June 15, 1995. Progress reports shall detail the status of each task included in the approved implementation plans. The DITF shall submit reports to the Governor and the Legislature detailing all progress towards completion of the goals of this proviso on January 15, 1995, and on July 15, 1995.

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| 423A | SPECIAL CATEGORIES GRANTS AND AIDS - GOVERNMENT CLOSE UP PROGRAM | |
| | FROM GENERAL REVENUE FUND | 40,000 |
| 424 | SPECIAL CATEGORIES GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS | |
| | FROM GENERAL REVENUE FUND | 864,618 |
| 425 | SPECIAL CATEGORIES GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION | |
| | FROM GENERAL REVENUE FUND | 78,339 |
| 426 | SPECIAL CATEGORIES GRANTS AND AIDS - PUBLIC BROADCASTING | |
| | FROM GENERAL REVENUE FUND | 8,787,876 |

The allocation of funds appropriated in Specific Appropriation 426 shall be as follows: \$634,591 for statewide governmental and cultural affairs programming; \$539,323 for public television stations recommended by the Commissioner of Education and \$103,826 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 426 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds in Specific Appropriation 426

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"Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "Today in the Legislature."

427 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES
FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

428 SPECIAL CATEGORIES
RETIREMENT ESCROW
FROM EDUCATIONAL AIDS TRUST FUND 108,000

429 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 429 shall be distributed to the four autism centers as follows: University of South Florida (Florida Mental Health Institute) \$300,000; University of Florida (College of Medicine) \$335,000; University of Miami (Department of Pediatrics) \$182,500; and Florida State University (Multidisciplinary Evaluation Center) \$182,500. The Department of Education, in consultation with the autism center boards, shall assure state-wide coverage of services by assigning counties to be served by each regional center. Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 1994.

430 SPECIAL CATEGORIES
TECHNOLOGICAL RESEARCH AND DEVELOPMENT
AUTHORITY
FROM GENERAL REVENUE FUND 350,000

Funds provided in Specific Appropriation 430 shall be used in the following teacher inservice programs: \$110,000 for the Florida Weather Satellite Education Program; \$70,000 for the Brevard Environmental Science Institute; \$70,000 for the Florida Sounding Rocket Program. Technological Research and Development Authority shall submit a report detailing performance, evaluation, and financial information on each of the three programs. This report shall be submitted to the Speaker of the House, President of the Senate, Executive Office of the Governor, and the Department of Education on June 30, 1995.

431 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF
EDUCATION
FROM GENERAL REVENUE FUND 2,117,880
FROM EDUCATIONAL AIDS TRUST FUND 734,736

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| 432 | DATA PROCESSING SERVICES | | |
| | REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM | | |
| | FROM GENERAL REVENUE FUND | 750,742 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | 285,670 |

HUMAN RESOURCE DEVELOPMENT, DIVISION OF

From the funds provided in Specific Appropriations 433, 434, 435, and 436, the Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed \$15 per person, and/or a booth fee, not to exceed \$200 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 (i.e. mementos, awards, plaques, etc.).

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| 433 | SALARIES AND BENEFITS | POSITIONS | 114 | |
| | FROM GENERAL REVENUE FUND | | 1,310,021 | |
| | FROM SPECIAL TRUST FUND | | | 2,270,077 |
| 434 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 417,622 | |
| | FROM SPECIAL TRUST FUND | | | 151,114 |
| 435 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 839,786 | |
| | FROM SPECIAL TRUST FUND | | | 1,199,537 |
| 435A | AID TO LOCAL GOVERNMENTS | | | |
| | PROFESSIONAL PRACTICES - SUBSTITUTES | | | |
| | FROM GENERAL REVENUE FUND | | 9,500 | |
| 436 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 45,821 | |
| | FROM SPECIAL TRUST FUND | | | 151,410 |
| 436A | SPECIAL CATEGORIES | | | |
| | CENTER FOR SPACE EDUCATION | | | |
| | FROM CENTER FOR SPACE EDUCATION TRUST FUND | | | 750,000 |
| 437 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 23,365 | |
| 439 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - SUMMER INSERVICE INSTITUTES | | | |
| | FROM GENERAL REVENUE FUND | | 8,684,302 | |

Funds provided in Specific Appropriation 439 shall be used to provide content and skill acquisition

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training for teachers necessary to develop and implement school improvement programs required under Florida's system of education accountability.

The Department shall have responsibility for designing, developing, and conducting inservice activities needed to assist districts and schools with school improvement and accountability. This includes the preparation of training materials, training trainers, planning and delivering workshops, and evaluating training. Design teams may be established and assembled as required to carry out this responsibility. The Department shall review districts' inservice evaluation instruments and practices conducted under the provisions of Section 231.608, Florida Statutes. Based on its findings, the Department shall provide assistance to districts, including the design of additional training evaluation instruments and procedures, to make possible the evaluation of inservice training, to insure that staff time and funds allocated to training result in measurable outcomes, and to achieve the schools' student performance standards.

Based on identified needs, school districts shall continue to plan and deliver district inservice programs which enable teachers to renew a certificate, meet state inservice requirements, or add a teaching field to a certificate to support school improvement. Funds may be used to pay the cost of salaries and employee benefits to teacher-participants and the cost of instruction for an intensive subject matter content summer inservice training program for classroom teachers; provided, however, that the salary paid to any participant shall not exceed the regular salary rate of the participant. Each school district shall include in its plan for inservice staff development to support school improvement, intensive subject matter training components including but not limited to mathematics, science, exceptional student education, English for Speakers of Other Languages (ESOL), instructional technology, and middle grades.

Funds appropriated in Specific Appropriation 439 for training must be comprehensively coordinated and directly related to Blueprint 2000: A System of School Improvement and Accountability and to the reports and recommendations of the Florida Commission on Education and Accountability.

From the funds provided in Specific Appropriation 439, \$100,000 shall be allocated to the Florida Endowment for the Humanities to conduct summer inservice training for teachers of literature, art and other subjects related to the humanities that is directly related to the subject matter of courses

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taught by participating teachers.

From the funds provided in Specific Appropriation 439, \$83,000 shall be allocated to the Education Standards Commission for completion of Phase I of identifying and validating generic competencies for teachers to implement the goals of the Education Accountability Act.

From the funds provided in Specific Appropriation 439, \$150,000 shall be allocated to the Education Standards Commission to identify and develop standards for Teacher Education Programs required in public and private colleges.

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| 440 | SPECIAL CATEGORIES | | |
| | TEACHER OF THE YEAR | | |
| | FROM GENERAL REVENUE FUND | 50,299 | |

Funds provided in Specific Appropriation 440 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.

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| 441 | SPECIAL CATEGORIES | | |
| | SCHOOL RELATED PERSONNEL OF THE YEAR | | |
| | FROM GENERAL REVENUE FUND | 16,593 | |

BLIND SERVICES, DIVISION OF

| | | | | |
|-----|--|-----------|-----------|-----------|
| 442 | SALARIES AND BENEFITS | POSITIONS | 325 | |
| | FROM GENERAL REVENUE FUND | | 2,798,067 | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | | 5,335,480 |
| | FROM U.S. TRUST FUND | | | 849,919 |

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|-----|--|--------|--|--------|
| 443 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | 12,591 | | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | | 80,321 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 29,000 |
| | FROM U.S. TRUST FUND | | | 6,125 |

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|-----|--|---------|--|-----------|
| 444 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | 631,407 | | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | | 1,298,585 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 95,047 |
| | FROM U.S. TRUST FUND | | | 416,882 |

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| 445 | AID TO LOCAL GOVERNMENTS | | | |
| | GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES | | | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | | 1,303,937 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 95,428 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | | 1,053,241 |
| | FROM WORKSHOP AND FACILITIES TRUST FUND . . | | | 2,232,116 |

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| 446 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 7,701 | |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 84,052 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 25,000 |
| | FROM U.S. TRUST FUND | | 8,397 |
| 447 | FOOD PRODUCTS | | |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 59,462 |
| 448 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CLIENT SERVICES | | |
| | MANAGEMENT INFORMATION SYSTEM | | |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 330,000 |
| 449 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CLIENT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 738,050 | |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST | | |
| | FUND | | 563,277 |
| 450 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - VOCATIONAL | | |
| | REHABILITATION | | |
| | FROM GENERAL REVENUE FUND | 3,451,911 | |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 2,043,414 |
| 451 | SPECIAL CATEGORIES | | |
| | VENDING STANDS | | |
| | FROM GENERAL REVENUE FUND | 376,621 | |
| <p>Funds provided in Specific Appropriation 451, shall be used to pay state retirement contributions for vending stand operators.</p> | | | |
| 452 | SPECIAL CATEGORIES | | |
| | VENDING STANDS - EQUIPMENT AND SUPPLIES | | |
| | FROM TRAINING AND OPERATING TRUST FUND | | 385,000 |
| | FROM U.S. TRUST FUND | | 1,002,707 |
| <p>Funds in Specific Appropriation 452 may be used to pay for minor construction projects as defined by the Department of Management Services.</p> | | | |
| 453 | DATA PROCESSING SERVICES | | |
| | KNOTT DATA CENTER - DEPARTMENT OF | | |
| | EDUCATION | | |
| | FROM GENERAL REVENUE FUND | 19,216 | |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 162,064 |
| | FROM U.S. TRUST FUND | | 40,000 |
| 454 | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM U.S. TRUST FUND | | 7,500 |

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| 455 | DATA PROCESSING SERVICES REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM | | |
| | FROM GENERAL REVENUE FUND | 4,162 | |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 7,930 |
| | FROM U.S. TRUST FUND | | 2,200 |

PRIVATE COLLEGES AND UNIVERSITIES

Budget entities administering contracts which have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts which fail to meet minimum standards of quality should be visited and corrective actions identified. Funds appropriated in Specific Appropriations 456 through 475 shall not be used to provide salary increases for employees at the recipient institutions.

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| 455A | SPECIAL CATEGORIES JAMES WELDON JOHNSON CENTER | | |
| | FROM GENERAL REVENUE FUND | 205,000 | |
| 456 | SPECIAL CATEGORIES BARRY UNIVERSITY - BACHELOR OF SCIENCE/NURSING | | |
| | FROM GENERAL REVENUE FUND | 189,989 | |

Funds provided in Specific Appropriation 456 are for not more than 1047 credit hours or 19.04 FTE students.

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| 457 | SPECIAL CATEGORIES GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE CHALLENGER PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 284,333 | |

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| 458 | SPECIAL CATEGORIES GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE OF EDUCATION | | |
| | FROM GENERAL REVENUE FUND | 284,333 | |

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| 459 | SPECIAL CATEGORIES UNIVERSITY OF MIAMI MEDICAL SCHOOL MINORITY AFFAIRS OFFICE | | |
| | FROM GENERAL REVENUE FUND | 200,000 | |

Funds provided in Specific Appropriation 459 shall be expended with priority given to Florida students.

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| 460 | SPECIAL CATEGORIES FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN ACCOUNTING | | |
| | FROM GENERAL REVENUE FUND | 52,832 | |

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Funds in Specific Appropriation 460 are for not more than 569 credit hours or 19 FTE students.

- 461 SPECIAL CATEGORIES
 - FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION
 - FROM GENERAL REVENUE FUND 86,787

Funds provided in Specific Appropriation 461 are for not more than 886 credit hours or 18.14 FTE students.

- 462 SPECIAL CATEGORIES
 - UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING
 - FROM GENERAL REVENUE FUND 182,082

Funds provided in Specific Appropriation 462 are for not more than 639 credit hours or 21.3 FTE students.

- 463 SPECIAL CATEGORIES
 - UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/ARCHITECTURAL ENGINEERING
 - FROM GENERAL REVENUE FUND 74,222

Funds provided in Specific Appropriation 463 are for not more than 259 credit hours or 8.67 FTE students.

- 464 SPECIAL CATEGORIES
 - BARRY UNIVERSITY - MASTER OF SOCIAL WORK PROGRAM - FT. MYERS
 - FROM GENERAL REVENUE FUND 110,722

Funds provided in Specific Appropriation 464 are for not more than 567 credit hours or 18.9 FTE students.

- 465 SPECIAL CATEGORIES
 - FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT
 - FROM GENERAL REVENUE FUND 401,346

Funds provided in Specific Appropriation 465 are for not more than 4,086 credit hours or 85.1 FTE students.

- 466 SPECIAL CATEGORIES
 - FLORIDA SOUTHERN COLLEGE - BACHELOR OF SCIENCE/ARTS- ELEMENTARY/EARLY CHILDHOOD EDUCATION
 - FROM GENERAL REVENUE FUND 69,823

Funds provided in Specific Appropriation 466 are for not more than 1,020 credit hours or 34 FTE

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students.

467 SPECIAL CATEGORIES
 GRANTS AND AIDS - EDWARD WATERS UPGRADE
 FROM GENERAL REVENUE FUND 210,051

468 SPECIAL CATEGORIES
 LIBRARY RESOURCES
 FROM GENERAL REVENUE FUND 168,041

Funds provided in Specific Appropriation 468 are provided for the Historically Black College and University Library Improvement Program.

469 SPECIAL CATEGORIES
 NURSING CONTRACT - UNIVERSITY OF MIAMI
 FROM GENERAL REVENUE FUND 331,091

Funds provided in Specific Appropriation 469 are for not more than 1,147 credit hours or 38.3 FTE students.

470 SPECIAL CATEGORIES
 SOCIAL WORK CONTRACT - BARRY UNIVERSITY
 FROM GENERAL REVENUE FUND 193,734

Funds provided in Specific Appropriation 470 are for not more than 992 credit hours or 33.1 FTE students.

471 SPECIAL CATEGORIES
 UNIVERSITY OF MIAMI - BIOMEDICAL
 ENGINEERING CONTRACT
 FROM GENERAL REVENUE FUND 89,802

Funds provided in Specific Appropriation 471 are for not more than 266 credit hours or 8.9 FTE students.

472 SPECIAL CATEGORIES
 UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE
 DOCTORAL PROGRAMS CONTRACT
 FROM GENERAL REVENUE FUND 362,228

Funds provided in Specific Appropriation 472 are for not more than 331 credit hours or 13.8 FTE students.

473 SPECIAL CATEGORIES
 UNIVERSITY OF MIAMI - ROSENSTIEL PHD
 MARINE AND ATMOSPHERIC SCIENCE
 FROM GENERAL REVENUE FUND 289,430

Funds provided in Specific Appropriation 473 are for not more than 156 credit hours or 6.5 FTE students.

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474 SPECIAL CATEGORIES
 UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN
 NURSING CONTRACT
 FROM GENERAL REVENUE FUND 299,559

Funds provided in Specific Appropriation 474 are for not more than 880 credit hours or 29.40 FTE students.

475 SPECIAL CATEGORIES
 GRANTS AND AIDS - NOVA UNIVERSITY
 FROM GENERAL REVENUE FUND 615,788

Funds provided in Specific Appropriation 475 are for no more than 150 FTE students who are Florida residents. Eligibility shall be based on the residency requirements stipulated in s. 240.1201, Florida Statutes.

Per student funding shall not exceed the difference between the average cost of state university fees and equivalent fees for students enrolled at Nova. No student funded through Specific Appropriation 475 shall receive a tuition voucher pursuant to s. 240.605, Florida Statutes.

475A SPECIAL CATEGORIES
 GRANTS AND AIDS - NOVA UNIVERSITY/MASTERS
 OF SCIENCE OF SPEECH PATHOLOGY
 FROM GENERAL REVENUE FUND 215,280

Funds provided in Specific Appropriation 475A are for not more than 1200 credit hours or 30 FTE students.

~~475B SPECIAL CATEGORIES
 GRANTS AND AIDS - AFRICAN AMERICAN
 CULTURAL INSTITUTE
 FROM GENERAL REVENUE FUND 205,000~~

476 FINANCIAL ASSISTANCE PAYMENTS
 PRIVATE TUITION ASSISTANCE
 FROM GENERAL REVENUE FUND 19,872,443

Funds provided in Specific Appropriation 476 shall be used to provide tuition assistance to students. The maximum amount of the tuition voucher for 1994-95 shall be \$1,300. If the amount in Specific Appropriation 476 is not sufficient to provide \$1,300 to each eligible student, the Department shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to tuition in the State University System shall not be eligible to receive funds under the

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State Tuition Voucher Fund. The Commissioner shall establish a cut-off date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 476 for 1994-95 shall be used to pay any voucher submitted for 1993-94 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher. No student shall receive voucher funds in excess of the difference between the average cost of state university fees and equivalent fees paid by students enrolled in the eligible independent institution.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

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|-----|--|-----------|---------|-----------|
| 477 | SALARIES AND BENEFITS | POSITIONS | 112 | |
| | FROM GENERAL REVENUE FUND | | 779,815 | |
| | FROM SPECIAL TRUST FUND | | | 2,693,955 |
| 478 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 13,796 | |
| | FROM SPECIAL TRUST FUND | | | 603,340 |
| 479 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 251,654 | |
| | FROM SPECIAL TRUST FUND | | | 1,257,594 |
| 480 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 6,665 | |
| 481 | SPECIAL CATEGORIES | | | |
| | FINANCIAL AID CONTRACTUAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 43,249 | |
| | FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND | | | 6,492,351 |
| 482 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM | | | |
| | FROM GENERAL REVENUE FUND | | 157,507 | |

Funds in Specific Appropriation 482 are provided for scholarships for students who meet the eligibility requirements specified in Section 240.4145, Florida Statutes.

Funds provided in Specific Appropriation 482, shall be transferred to the African and Afro-Caribbean Scholarship Trust Fund. The Department of Education is authorized to expend \$157,507 from the trust fund pursuant to provision 240.4145, Florida Statutes.

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| 482A | SPECIAL CATEGORIES | | | |
| | PREPAID TUITION SCHOLARSHIPS | | | |
| | FROM GENERAL REVENUE FUND | | 1,000,000 | |

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- 483 SPECIAL CATEGORIES
 - VOCATIONAL GOLD SEAL SCHOLARSHIP
 - FROM GENERAL REVENUE FUND 7,205,640

Funds provided in Specific Appropriation 483 shall be transferred to the Vocational Scholarship Program Trust Fund. The Department of Education is authorized to expend \$7,205,640 from the trust fund pursuant to provision s. 240.4021, Florida Statutes.

- 484 SPECIAL CATEGORIES
 - GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM
 - FROM GENERAL REVENUE FUND 72,117
 - FROM LATIN AMERICAN AND CARIBBEAN BASIN SCHOLARSHIP TRUST FUND 312,000

Funds provided in Specific Appropriation 484 are contingent on the deposit of all private or business donations, grants, bequests or other funds provided for support of International Education or the Latin American Caribbean Scholarship Program into the Latin American and Caribbean Basin Scholarship Trust Fund in the State Treasury.

- 485 SPECIAL CATEGORIES
 - TRANSFER FLORIDA ACADEMIC SCHOLARS FUND
 - FROM FINANCIAL ASSISTANCE PAYMENTS
 - FROM GENERAL REVENUE FUND 33,224,160
 - FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 201,000

Funds provided in Specific Appropriation 485 shall be transferred to the Florida Undergraduate Scholars' Trust Fund. The Department of Education is authorized to expend \$33,425,160 from the trust fund pursuant to the provisions in s. 240.402, Florida Statutes.

- 486 SPECIAL CATEGORIES
 - TRANSFER PUBLIC STUDENT ASSISTANCE GRANT FINANCIAL ASSISTANCE PAYMENT
 - FROM GENERAL REVENUE FUND 26,086,401
 - FROM EDUCATIONAL AIDS TRUST FUND 1,607,554

Funds provided in Specific Appropriation 486 shall be transferred to the Florida Public Student Assistance Grant Trust Fund. The Department of Education is authorized to expend \$27,693,955 from the trust fund pursuant to the provisions of s. 240.409, Florida Statutes. The maximum grant to any student from the trust fund shall be \$1,300.

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| 487 | SPECIAL CATEGORIES | | |
| | TRANSFER PRIVATE STUDENT ASSISTANCE GRANT | | |
| | FINANCIAL ASSISTANCE PAYMENT | | |
| | FROM GENERAL REVENUE FUND | 6,791,286 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | 549,812 |

Funds provided in Specific Appropriation 487 shall be transferred to the Florida Private Student Assistance Grant Trust Fund. The Department of Education is authorized to expend \$7,341,098 from the trust fund pursuant to the provisions of s. 240.4095, Florida Statutes. The maximum grant to any student from the trust fund shall be \$1,300.

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| 488 | SPECIAL CATEGORIES | | |
| | TRANSFER POSTSECONDARY STUDENT ASSISTANCE GRANT FINANCIAL ASSISTANCE PAYMENT | | |
| | FROM GENERAL REVENUE FUND | 1,194,364 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | 94,972 |

Funds provided in Specific Appropriation 488 shall be transferred to the Florida Postsecondary Student Assistance Grant Trust Fund. The Department of Education is authorized to expend \$1,289,336 from the Florida Postsecondary Student Assistance Grant Trust Fund pursuant to the provisions of s. 240.4097, Florida Statutes. The maximum grant to any student from the trust fund shall be \$1,300.

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| 489 | SPECIAL CATEGORIES | | |
| | NEEDS ANALYSIS PROCESSING | | |
| | FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND | | 100,000 |

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|-----|--|--|---------|
| 490 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP | | |
| | FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND | | 160,000 |

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|-----|---|---------|--|
| 491 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | CHILDREN OF DECEASED AND DISABLED VETERANS SCHOLARSHIPS | | |
| | FROM GENERAL REVENUE FUND | 130,298 | |

If the funds in Specific Appropriation 491 are insufficient to provide a full award to each eligible recipient, the Department may prorate the amount among the eligible recipients.

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| 492 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | FLORIDA WORK EXPERIENCE PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 599,243 | |

General Revenue funds provided in Specific Appropriation 492 shall be transferred to the Florida Work Experience Program Trust Fund. The

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Department of Education is authorized to expend \$599,243 from the trust fund pursuant to the provisions of s. 240.606, Florida Statutes.

- 493 FINANCIAL ASSISTANCE PAYMENTS
 - CRITICAL TEACHER SHORTAGE
 - FROM GENERAL REVENUE FUND 2,646,795

General Revenue funds provided in Specific Appropriation 493 shall be transferred to the Critical Teacher Shortage Trust Fund. The Department of Education is authorized to expend \$2,646,795 from the Critical Teacher Shortage Trust Fund pursuant to the provisions of s. 240.4065, Florida Statutes.

- 494 FINANCIAL ASSISTANCE PAYMENTS
 - FLORIDA SCHOLARSHIP AND FORGIVABLE LOAN PROGRAM
 - FROM GENERAL REVENUE FUND 874,800

General Revenue funds provided in Specific Appropriation 494 shall be transferred to the Critical Teacher Shortage Trust Fund. The Department of Education is authorized to expend \$874,800 from the Critical Teacher Shortage Trust Fund pursuant to the provisions of s. 240.4063.

- 495 FINANCIAL ASSISTANCE PAYMENTS
 - EXCEPTIONAL CHILD SCHOLARSHIPS
 - FROM GENERAL REVENUE FUND 109,212

- 496 FINANCIAL ASSISTANCE PAYMENTS
 - STUDENT REGENT SCHOLARSHIP
 - FROM GENERAL REVENUE FUND 4,589

- 497 FINANCIAL ASSISTANCE PAYMENTS
 - STATE BOARD OF COMMUNITY COLLEGES STUDENT MEMBER SCHOLARSHIP
 - FROM GENERAL REVENUE FUND 4,589

- 498 FINANCIAL ASSISTANCE PAYMENTS
 - POSTSECONDARY EDUCATION PLANNING COMMISSION STUDENT MEMBER SCHOLARSHIP
 - FROM GENERAL REVENUE FUND 4,589

- 499 FINANCIAL ASSISTANCE PAYMENTS
 - MARY MCCLEOD BETHUNE SCHOLARSHIP
 - FROM GENERAL REVENUE FUND 235,328
 - FROM MARY MCCLEOD BETHUNE SCHOLARSHIP CHALLENGE GRANT TRUST FUND 396,000

General Revenue funds provided in Specific Appropriation 499 shall be transferred to the Mary McCleod Bethune Challenge Grant Trust Fund. The Department of Education is authorized to expend \$631,328 from the Mary McCleod Bethune Challenge

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Grant Trust Fund pursuant to the provisions of s. 240.4125, Florida Statutes.

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| 500 | FINANCIAL ASSISTANCE PAYMENTS NICARAGUAN/HAITIAN SCHOLARSHIPS FROM GENERAL REVENUE FUND | 8,681 |
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|-----|--|-----------|
| 501 | FINANCIAL ASSISTANCE PAYMENTS MOST PROMISING TEACHER SCHOLARSHIP FROM GENERAL REVENUE FUND | 1,860,000 |
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General Revenue funds provided in Specific Appropriation 501 shall be transferred to the Critical Teacher Shortage Trust Fund. The Department of Education is authorized to expend \$1,860,000 from the Critical Teacher Shortage Trust Fund pursuant to the provisions of s. 240.4068, Florida Statutes.

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| 502 | FINANCIAL ASSISTANCE PAYMENTS PAUL DOUGLAS SCHOLARSHIP FROM EDUCATIONAL AIDS TRUST FUND | 865,000 |
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| 503 | FINANCIAL ASSISTANCE PAYMENTS ROBERT C. BYRD HONORS SCHOLARSHIP FROM EDUCATIONAL AIDS TRUST FUND | 852,550 |
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| 504 | FINANCIAL ASSISTANCE PAYMENTS SEMINOLE/MICCOSUKEE INDIAN SCHOLARSHIPS FROM GENERAL REVENUE FUND | 61,040 |
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General Revenue funds provided in Specific Appropriation 504 shall be transferred to the Seminole/Miccosukee Indian Trust Fund. The Department of Education is authorized to expend \$61,040 from the Seminole/Miccosukee Indian Trust Fund pursuant to the provisions of s. 240.413, Florida Statutes.

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| 505 | FINANCIAL ASSISTANCE PAYMENTS TEACHER/QUEST PARTNERSHIP PROGRAM FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND | 700,000 |
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| 507 | FINANCIAL ASSISTANCE PAYMENTS JOSE MARTI SCHOLARSHIP CHALLENGE GRANT FROM GENERAL REVENUE FUND | 100,000 |
| | FROM JOSE MARTI SCHOLARSHIP CHALLENGE GRANT TRUST FUND | 196,000 |

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| 507A | FINANCIAL ASSISTANCE PAYMENTS OCCUPATIONAL AND PHYSICAL THERAPY SHORTAGE PROGRAM FROM GENERAL REVENUE FUND | 91,500 |
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| 508 | FINANCIAL ASSISTANCE PAYMENTS TRANSFER TO THE FLORIDA EDUCATION FUND FROM GENERAL REVENUE FUND | 500,000 | |
| PUBLIC SCHOOLS, DIVISION OF | | | |
| 523 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM SPECIAL TRUST FUND FROM SOLID WASTE MANAGEMENT TRUST FUND | 215 6,076,556 | 2,744,799 93,330 |
| 524 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM SPECIAL TRUST FUND | 511,151 | 328,392 |
| 525 | EXPENSES FROM GENERAL REVENUE FUND FROM SPECIAL TRUST FUND FROM SOLID WASTE MANAGEMENT TRUST FUND | 3,801,741 | 1,956,617 31,709 |
| 526 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PROGRAMS OF EMPHASIS FROM GENERAL REVENUE FUND FROM EDUCATIONAL AIDS TRUST FUND | 5,792,880 | 1,858,354 |

Funds in Specific Appropriation 526 are provided to continue state-level education initiatives and may be used to continue the following programs: (1) Pre-Kindergarten Handicapped Information System, (2) Network of Centers for Severely Emotionally Disturbed, (3) Florida Diagnostic and Learning Resource Centers, (4) Resource Materials for the Hearing Impaired, (5) Visually Handicapped Resources, (6) Governor's Summer Program for the Gifted, (7) Challenge Grant Program for the Gifted, (8) State Science Fair, (9) Regional Centers of Excellence, (10) Youth Art Symposium, (11) Miccosukee Indian Education Program, (12) Seminole Indian Education Program, (13) Instructional Materials Management, (14) Instructional Materials Inservice Training, (15) MIS Council, (16) Missing Children, (17) Arts in Education, (18) Okeechobee/Dozier Supplement, (19) Harry Anna/All Children's Hospital Supplement, (20) Exceptional Students who are Limited English Proficient, (21) ESOL Teacher Training and Staff Development, (22) Regional Drop-Out Prevention Specialists, (23) A School Feeder Pattern Study, and (24) Early Grades Intervention Pilot Projects.

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| 528 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM FROM GENERAL REVENUE FUND FROM PRINCIPAL STATE SCHOOL TRUST FUND | 4784,149,687 | 45,700,000 |
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From the funds provided in Specific Appropriation

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528 and the required local effort funds authorized for the 1994-95 Florida Education Finance Program, classroom teachers shall be provided five days of training specific to implementing Blueprint 2000. The five days of training shall be within the 196 days of service required in Section 236.02(4)(f), Florida Statutes, but shall not be on a day that students are scheduled to attend classes. The training shall be consistent with the principles of Blueprint 2000. Should any district fail to provide one or more of the five days of Blueprint 2000 training for classroom teachers as provided herein, the Commissioner of Education shall withhold one 196th of the district's 1994-95 calculated FEFP for each day not provided.

Using data from the U.S. Bureau of Labor Statistics, the National Educational Research Service and other reliable sources, the Commissioner of Education shall prepare and submit to the Legislature by January 1, 1995, a report that:

1. Compares the percent of public school staff in Florida with the national average for the following categories:
 - a. Central office professionals
 - b. Principals, assistant principals, and supervisors
 - c. Teachers
 - d. Non-supervisory professionals
 - e. Support staff
2. Compares the number of persons employed per executive, administrator and/or managers in industries and occupations.
3. Compares the number of non-supervisory personnel and principals/supervisors as a percent of classroom teachers by year since 1981-82.
4. Compares the number of teachers per central office professional staff member by year since 1981-82.
5. Compares the percent of school district budgets expended for administration, instruction, and fixed charges.

Based on the above analysis, the report shall recommend standards, criteria or guidelines by which the public may make an informed judgment about how public schools compare to other industries and occupations in the percent of total staff and expenditures used for administration.

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Each district shall spend in total at least 2.78 percent of the funds provided for vocational students in Specific Appropriation 528 for repair, replacement, or updating of vocational equipment or for maintenance contracts.

The department's monthly distribution of funds provided in Specific Appropriation 528 shall be made in equal payments on or about the 10th and 26th of each month.

From the funds provided in Specific Appropriation 528, including the funds provided in s. 236.081(3), Florida Statutes, each school district may use funds to implement the beginning teacher program.

Funds provided in Specific Appropriation 528 may be used to pay the cost of school districts' required program for preparing new principals.

Funds provided in Specific Appropriation 528 shall be allocated using a base student allocation of \$2,558.17

Pursuant to Section 236.081(12), Florida Statutes, a minimum guaranteed level of funding shall be calculated to provide each school district a 2.55 percent increase per weighted full-time-equivalent (WFTE) student over the value per WFTE calculated in the third calculation of the FEFP for 1993-94.

From the funds in Specific Appropriation 528, \$20,000,000 is provided for a Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer FTE in 1994-95.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes and adjusted, by dividing each district's unadjusted DCD by the value of the district that has the lowest DCD.

Total unadjusted required local effort taxes for 1994-95 shall be \$3,288,598,455. 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 1994-95 shall be:

- (1) 0.510 mills, and
- (2) An additional levy, not to exceed 0.25 mills, that will raise an amount not to exceed \$50 per full-time equivalent student (FTE).

District school boards that levy the entire

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additional 0.25 mills and raise less than \$50 per FTE shall receive, from the funds provided in Specific Appropriation 528, an amount that, combined with funds raised by the 0.25 mills, will provide \$50 per FTE. To be eligible for state funds provided in this paragraph a district must levy the full 0.25 mills and the full 0.51 mills.

The state and local funds which provide the additional \$50 per FTE in the previous paragraph shall not be included in the calculation of the 2.55 percent minimum guarantee level of funding for 1994-95.

Districts shall assess each fee non-exempt student a financial aid fee equal to 10 percent of the student's required fee amount. The total fee amount paid by a student shall be equal to the sum of the required fee and the financial aid fee. Districts shall use funds collected from the financial aid fee assessment to waive in full or in part the fees of persons with demonstrated financial need. The State Board of Education shall promulgate rules defining the process by which districts shall establish students' financial need and the process by which districts shall account for the use of these funds. This process shall include an annual report submitted to the Department of Education in sufficient detail to allow the Department to evaluate the effectiveness of each district's financial aid program.

Funds provided in Specific Appropriation 528 are based upon program cost factors for 1994-95 as follows:

1. Basic Programs

| | |
|--------------------|-------|
| A. K-3 Basic | 1.029 |
| B. 4-8 Basic | 1.000 |
| C. 9-12 Basic | 1.210 |
| D. K-3 Mainstream | 2.058 |
| E. 4-8 Mainstream | 2.000 |
| F. 9-12 Mainstream | 2.420 |
2. Special Programs for Exceptional Students

| | |
|---|--------|
| A. Educable Mentally Retarded | 2.226 |
| B. Trainable Mentally Retarded | 2.934 |
| C. Physically Handicapped | 3.285 |
| D. Physical & Occupational Therapy Part-Time | 11.759 |
| E. Speech, Language & Hearing Part-Time | 5.312 |
| F. Speech, Language & Hearing | 3.103 |
| G. Visually Handicapped Part-Time | 16.168 |
| H. Visually Handicapped | 4.558 |
| I. Emotionally Disturbed Part-Time | 3.859 |
| J. Emotionally Disturbed | 2.740 |

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| | |
|---|--------|
| K. Specific Learning Disability | |
| Part-Time | 2.766 |
| L. Specific Learning Disability | 1.939 |
| M. Gifted Part-Time | 1.785 |
| N. Hospital & Homebound Part-Time | 12.606 |
| O. Profoundly Handicapped | 4.391 |
| 3. Special Programs for At-Risk Students | |
| A. Dropout Prevention | 1.571 |
| B. ESOL K-3 | 1.478 |
| C. ESOL 4-8 | 1.509 |
| D. ESOL 9-12 | 1.318 |
| 4. Special Programs for Vocational Job Preparatory (7-12) | |
| A. Agriculture | 1.676 |
| B. Office | 1.250 |
| C. Distributive | 1.140 |
| D. Diversified | 1.231 |
| E. Health | 1.345 |
| F. Public Service | 1.020 |
| G. Home Economics | 1.254 |
| H. Technical, Trade, Industrial | 1.758 |
| I. Exploratory (6-12) | 1.222 |
| J. Vocational Mainstream (6-12) | 1.675 |
| 5. Special Programs for Vocational Job Preparatory (Adult) | |
| A. Agriculture | 1.452 |
| B. Office | 1.267 |
| C. Distributive | 1.348 |
| D. Diversified | .925 |
| E. Health | 1.410 |
| F. Public Service | 1.045 |
| G. Home Economics | 1.369 |
| H. Technical, Trade, Industrial | 1.384 |
| 6. Special Programs for Vocational Adult Supplemental | |
| A. Agriculture | 1.676 |
| B. Office | 1.272 |
| C. Distributive | .959 |
| D. Health | 1.371 |
| E. Public Service | 1.237 |
| F. Home Economics | 1.272 |
| G. Technical, Trade, Industrial | 1.573 |
| 7. Special Programs for Adult General Education | |
| A. Adult Basic | .718 |
| B. Adult Secondary | .785 |
| C. Adult Handicapped | .933 |

Support of Lifelong Learning courses and activities remains a permissible use of funds appropriated in Specific Appropriation 528; however, Lifelong Learning FTE student enrollment shall not be

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included in the calculation of each district's entitlement to funds provided in Specific Appropriation 528. Lifelong Learning courses and activities may be provided at the discretion of each district and may be funded (1) by charging participants a fee sufficient to defray some part or all of the total cost of the activity; (2) by using local funds; (3) by using state funds appropriated in Specific Appropriation 528 provided that the district also satisfies all spending requirements in law and rule for each authorized FEFP program, or (4) by using a combination of fees and state and local funds.

From funds provided in Specific Appropriation 528, a level of funding should be determined by each district which emphasizes programs in HIV/AIDS in accordance with s. 233.067, Florida Statutes.

No federal inmate education is funded through Specific Appropriation 528 and no federal inmates shall be included in any 1994-95 FTE count.

The fee waiver amount for each district for 1994-95 shall be calculated by multiplying each district's total non-fee exempt full-time equivalent enrollment in all adult programs by .08 and by the adult fee amount. This amount shall include the amount waived for senior citizens over age 65.

Any course provided by a district to satisfy the one-half credit life management skills training graduation requirements defined by s. 232.246(1)(b), Florida Statutes, shall be funded at the appropriate level for a Grades 9-12 basic or Grades 9 - 12 basic mainstream for exceptional students education program course.

A student in cooperative education or other types of programs incorporating on-the-job training, including apprenticeship, 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.

From the funds appropriated in Specific Appropriation 528, Dade County students enrolled in approved apprenticeship programs as defined in s. 446.021, Florida Statutes, shall not generate FEFP funding for on-the-job training activities.

Instruction of state inmates shall not be included in the full-time equivalent student enrollment for FEFP funding. No funds in Specific Appropriation 528 are provided for instruction of state inmates.

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In the event that a residential care facility as provided for in s. 230.23(4)(n), Florida Statutes, is phased down or phased out during the 1994-95 fiscal year, the school district shall be held harmless for any reduction in FTE from the FTE included in the consensus Enrollment Estimating Conference Report for that facility.

Funds provided in Specific Appropriation 528 shall be used to the extent necessary by each school district to fully implement the State Automated Data Base Reporting requirements.

The funds provided in Specific Appropriation 528 shall be used in accordance with applicable statutes and rules, and that for the education of exceptional students, superintendents, principals, and teachers shall utilize the regular school facilities to the maximum extent appropriate. Segregation of exceptional students shall occur only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Each district's requested full time equivalent student enrollment used for the first calculation of the FEFP to establish enrollment caps as defined in s. 236.081(1)(d), Florida Statutes, shall be adjusted to fund 55 percent of the amount of the requested full time equivalent summer school enrollment in grades K-8 basic programs that is over the state average.

Funds appropriated in Specific Appropriation 528 for grades 9-12 summer school enrollment in basic programs are provided only for academic courses approved in the state Course Code Directory for graduation credit. 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.

Unless specifically authorized in law, the provision of Section 26, Chapter 91-109, Laws of Florida, shall not apply to general revenue contracts within the state system of public education.

The resident fee amount for adult job preparatory course enrollment for 1994-95 shall average \$0.41 per contact hour; the non-resident fee amount shall average \$3.33 per contact hour. The resident fee amount for adult vocational supplemental course enrollment for 1994-95 shall average \$0.62 per

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contact hour; the non-resident fee amount shall average \$3.23 per contact hour. The resident fee amount for adult general course enrollment for 1994-95 shall average \$0.44 per contact hour; the non-resident fee amount shall average \$2.05 per contact hour.

Districts shall use the amount of the difference between fees generated during 1994-95 and fees generated during 1993-94 only to maintain course offerings and to maintain and lower class sizes.

The program cost factor for children ages birth through two, with established conditions and children, ages birth through five, with developmental delays shall be the same as speech, language and hearing. Physical and occupational therapy provided to these children shall be reported using the physical and occupational therapy program cost factor.

Contingent upon appropriate legislation becoming law, up to \$10,000,000 from Specific Appropriation 528 may be used in conjunction with funding from other sources including, but not limited to, Specific Appropriation 540 for the purposes of economic development and reduction of welfare rolls. The combined funds will be earned by the school districts under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, F.S.) and for enrolling, training, and placing economically disadvantaged individuals, and shall incorporate Blueprint 2000 accountability goals.

The above \$10,000,000 from Specific Appropriation 528 will represent at most 40 percent of the combined funds and not more than 5 percent of an individual school district allocation for adult vocational education programs.

From the funds provided in Specific Appropriation 528, \$37,000,000 is provided for an after school program designed for at-risk students in middle schools. Districts are encouraged to build on existing after school programs within their communities. Districts are further encouraged to form partnerships with community groups in an effort to maximize resources. From the funds in Specific Appropriation 528, \$12,000,000 is provided for an Alternative School Program for adjudicated students, and \$11,350,000 for a security program that will provide for school resource officers, equipment, and other improvements to enhance the environment for learning. The school districts shall not use these

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funds to supplant programs that are currently operational in the school districts. The school districts shall develop plans for the implementation of the specified programs and each affected school shall report on the progress of the programs in their Annual School Report. However, in the case of school districts with FTE enrollment of 25,000 or less, the funds from the Alternative School Program and the Security Program in Specific Appropriation 528 may be combined to allow the development of a coordinated plan for the district.

The Department shall prepare a report on the change in teacher salaries over the last 10 years to be presented to the Appropriations Committees of the House of Representatives and the Senate by October 1, 1994.

- 529 AID TO LOCAL GOVERNMENTS
 - GRANTS AND AIDS - DISTRICT DISCRETIONARY
 - LOTTERY FUNDS
 - FROM EDUCATIONAL ENHANCEMENT TRUST FUND

502,032,645

Funds appropriated in Specific Appropriation 529 are provided as enhancement funds for school districts and shall be allocated by prorating each district's base funding entitlement to the amount of the appropriation.

Districts shall use a unique fund source code for accounting for the receipt and expenditure of all Educational Enhancement Trust Funds.

Prior to the expenditure of funds appropriated in Specific Appropriation 529, each school district shall establish policies and procedures that define enhancement and the types of expenditures that will be considered consistent with that definition. Districts shall provide to the Department of Education a copy of all policies and procedures that relate to the use of enhancement funds and shall annually, within a sixty day period following the end of each fiscal year, submit a report to the Department of Education showing the actual expenditure of all enhancement funds.

From the funds provided in Specific Appropriation 529, school boards may allocate to each school not less than \$4 and not more than \$9.50 per unweighted FTE student to be used at the discretion of the staff and parents of the school to develop and implement the school's improvement plan. School boards that can demonstrate that they are currently expending at least \$4 per unweighted full-time equivalent student on the planning process required by current law and this act may use such expenditures to satisfy the requirements of this

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section. The school's improvement plan shall be based on the needs of the students at the school and shall be consistent with the state-wide and district-wide school improvement programs.

529A AID TO LOCAL GOVERNMENTS

| | | |
|---|------------|---------|
| GRANTS AND AIDS - FLORIDA SCHOOL FOR THE DEAF AND BLIND | | |
| FROM GENERAL REVENUE FUND | 22,102,692 | |
| FROM GRANTS AND DONATIONS TRUST FUND . . . | | 995,393 |

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

From the funds provided in Specific Appropriation 529A the Florida School for the Deaf and Blind shall implement in the 1994-95 fiscal year a statewide interpreter training program.

Funds provided in Specific Appropriation 529A for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.8341, Florida Statutes.

530 AID TO LOCAL GOVERNMENTS

| | | |
|---|------------|--|
| GRANTS AND AIDS - INSTRUCTIONAL MATERIALS | | |
| FROM GENERAL REVENUE FUND | 86,497,482 | |

From the funds provided in Specific Appropriation 530, 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)(h), Florida Statutes.

The growth allocation per FTE student is \$130.97 in 1994-95. If the funds provided in Specific Appropriation 530 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 may be used for dual enrollment as provided in s. 236.081(1)(h), Florida Statutes. These funds shall be distributed to school districts as follows: 50% on or about July 10, 1994; 35% on or about October 10, 1994; 10% on or about January 10, 1995 and the balance on or about June 10, 1995.

From the funds provided in Specific Appropriation 530, the Commissioner is authorized to purchase,

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upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools on an equitable formula based on the number of students in the respective districts.

Funds appropriated in Specific Appropriation 530 shall be used by each district school board to ensure appropriate instructional materials for each of the district's classrooms. Each school shall use its allocation in accordance with local school board guidelines which should include the following: (1) Classroom teachers, other school site staff and the school advisory committee shall have discretion under school board guidelines to determine how the school's instructional materials allocation can best be used to meet the needs, interests and abilities of the students in each classroom. (2) Instructional materials shall include items contained in the instructional materials definition as set forth in s. 233.07(4), Florida Statutes.

From the funds provided in Specific Appropriation 530, \$100,000 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 530, \$9,640,000 is provided for Library Media Materials.

From the funds provided in Specific Appropriation 530, \$1,000,000 shall be used for the Uniform Library Database.

531 AID TO LOCAL GOVERNMENTS

GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .

56,000,000

Funds provided in Specific Appropriation 531 shall be used for school technology incentive awards. The Department of Education shall distribute the technology awards on an FTE pro-rata basis.

The funds allocated to school districts for school technology incentive awards shall be used to enhance the use of technology in the instruction of students in the classroom and for the use of students in their educational training. In order for a school to receive its technology incentive award, the school principal and school advisory council must jointly submit a proposal to the school board describing how award funds will be used to increase the use of technology in instruction in a manner that is consistent with the school's approved school improvement plan. The proposals must provide for at least 30 percent of the incentive award amount to be

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used for training teaching personnel to use technology in instruction. Schools must submit incentive award proposals to the school board and the board must review proposals and recommend the schools to receive the individual awards. A school receiving a technology incentive award must include a description of the use and the effectiveness of award funds in its annual school report and the school board must submit a comprehensive annual report of the use of such funds to the Department of Education.

Technology incentive award funds must not be used for salaries or to replace funds already dedicated to use for educational technology. Such funds may, however, be used to pay substitute teachers or other costs associated with providing teacher release-time for training associated with the award program.

From the funds provided in Specific Appropriation 531, \$1,000,000 shall be used for Library Automation Equipment Grants.

| | | | |
|------|--|-------------|---------|
| 532 | AID TO LOCAL GOVERNMENTS | | |
| | GRANTS AND AIDS - STUDENT TRANSPORTATION | | |
| | FROM GENERAL REVENUE FUND | 248,009,699 | |
| 533 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 205,245 | |
| | FROM SPECIAL TRUST FUND | | 113,220 |
| 533A | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CITIES IN SCHOOLS | | |
| | FROM GENERAL REVENUE FUND | 1,500,000 | |

From the funds provided in Specific Appropriation 533A, \$100,000 shall be used for the continuation of the Youth Co-Op project.

| | | | |
|-----|---|------------|-----------|
| 534 | SPECIAL CATEGORIES | | |
| | ASSESSMENT AND EVALUATION | | |
| | FROM GENERAL REVENUE FUND | 11,221,912 | |
| | FROM SOPHOMORE LEVEL TEST TRUST FUND | | 224,270 |
| | FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND | | 1,571,839 |

Funds provided in Specific Appropriation 534 shall be used by the State Board of Education in 1994-95 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

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The Commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes. The proceeds from such sale or lease shall be deposited into a trust account entitled "Florida Educational Examination Development Fund" and shall be used by the Department of Education for activities related to the testing programs specified in state statute.

Funds provided in Specific Appropriation 534 may be used for research and analyses of existing data available through Florida's education, evaluation and assessment programs.

- 535 SPECIAL CATEGORIES
 - GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
 - FROM GENERAL REVENUE FUND 16,292,000

Funds provided in Specific Appropriation 535 contain increases over the 1993-94 appropriation of \$1,420,000 in general increases; \$4,000,000 for School Year 2000 and \$2,222,000 for the Florida Remote Learning Service. From the \$2,222,000 for the Florida Remote Learning Service \$350,000 shall be used to complete the PAEC ITV system.

- 536 SPECIAL CATEGORIES
 - GRANTS AND AIDS - CONTRACTED SERVICES
 - FROM GENERAL REVENUE FUND 148,777
 - FROM EDUCATIONAL AIDS TRUST FUND 85,049
 - FROM SPECIAL TRUST FUND 126,433

- 537 SPECIAL CATEGORIES
 - GRANTS AND AIDS - DRUG ABUSE EDUCATION
 - FROM DRUG ABUSE EDUCATION TRUST FUND 1,403,000

- 538 SPECIAL CATEGORIES
 - GRANTS AND AIDS - PRE-SCHOOL PROJECTS
 - FROM EDUCATIONAL ENHANCEMENT TRUST FUND 104,167,355

From the funds appropriated in Specific Appropriation 538, \$3,000,000 shall be used as incentives for collaborative partnerships between school district operated preschool programs and those contracted through Central Agencies, Head Start grantees, and non-public prgrams serving eligible children for the purpose of supporting communities and schools in meeting their obligations under Goal 1 of Education Reform and Accountability.

From the funds provided in Specific Appropriation 538 \$427,000 is provided to assist the coordination and delivery of early childhood services.

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From funds provided in Specific Appropriation 538, \$77,500 shall be used for the operation of a State Coordinating Council on Early Childhood Services.

Funds in Specific Appropriation 538 shall be allocated to each eligible school district on the basis of full-time equivalent (FTE) students served consistent with the provisions of s. 230.2305, Florida Statutes. For the purpose of this appropriation, an FTE is defined as six hours per day of quality contact time in a developmentally appropriate program for 180 days. The program shall be administered in accordance with the 1990-91 guidelines, except that at least 70 percent of the total funds allocated to each district shall be used for implementing and conducting a prekindergarten early intervention program or contracting with other public or nonpublic entities for programs to serve eligible children and no more than 30 percent of the funds allocated to each school district may be used to enhance existing public and nonpublic programs for eligible children, to provide before-school and after-school care for children served by this program.

From the funds in Specific Appropriation 538, \$3,295,172 is provided to continue the Migrant Education 3 and 4 Year Old's Program.

From the funds provided in Specific Appropriation 538, \$3,000,000 shall be used for the Florida First Start Program.

From the funds provided in Specific Appropriation 538, \$400,000 shall be used for continuing the third party evaluation in s. 411.205, Florida Statutes.

| | | |
|-----|-------------------------------------|-----------|
| 539 | SPECIAL CATEGORIES | |
| | FULL SERVICE SCHOOLS - INTERAGENCY | |
| | COOPERATION | |
| | FROM GENERAL REVENUE FUND | 9,346,353 |

Funds appropriated in Specific Appropriation 539 shall be used for the continuation and expansion of Full Service Schools/Interagency Cooperation projects. New projects shall be awarded on a competitive basis with schools/school districts applying in partnership with state and local public and private entities. New and continuation applications shall demonstrate the relationship between Blueprint 2000 and Full Service Schools, particularly in regard to Goals 1,2, 5 and 7. Projects begun in 1991-92 and subsequent years shall be eligible for continuation funding for a total of four fiscal years with grant support reduced by a specified percentage each year. As funds become

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available, new projects will be initiated with preference given to districts and schools that have not previously participated.

539A SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE PREPAREDNESS
INCENTIVE PROGRAM
FROM GENERAL REVENUE FUND 1,000,000

540 SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND 2,000,000

Contingent upon appropriate legislation becoming law, up to \$10,000,000 from Specific Appropriation 528 may be used in conjunction with funding from other sources including, but not limited to, Specific Appropriation 540 for the purposes of economic development and reduction of welfare rolls. The combined funds will be earned by the school districts under a performance based funding approach, structured as incentives to vocational programs for producing trained workers and shall incorporate the Blueprint 2000 accountability goals.

540A SPECIAL CATEGORIES
GRANTS AND AIDS - PARENT INVOLVEMENT IN
EDUCATION
FROM GENERAL REVENUE FUND 5,000,000

Funds provided in Specific Appropriation 540A shall be used for parent education programs such as those described in HB 2035 and shall be distributed on an FTE pro-rata basis. The funds shall be used to enhance the involvement of parents in the education of their children. In order for a school to receive its parent involvement allocation, the school principal and school advisory council must jointly submit a proposal to the school board describing how the funds will be used to increase the involvement of parents, in a manner that is consistent with the school's approved school improvement plan. Priority should be given to schools which have the greatest need for school improvement, and to schools which can generate matching funds from the private sector. Schools which receive parent involvement funds must include a description of the use and the effectiveness of these funds in the annual school report.

540B SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION
CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

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| | | | |
|------|--|---------|--|
| 540C | SPECIAL CATEGORIES GRANTS AND AIDS - PAEC GRANT FROM GENERAL REVENUE FUND | 300,000 | |
| 540D | SPECIAL CATEGORIES SPECIAL CATEGORIES GRANTS AND AIDS - RESOURCE OFFICER TRAINING FROM GENERAL REVENUE FUND | 150,000 | |

VOCATIONAL, ADULT, AND COMMUNITY EDUCATION,
DIVISION OF

The Bureau of Career Development is authorized to continue the sale of products and services which are not funded by the General Revenue Fund. The bureau is authorized to collect registration fees as necessary to conduct statewide and regional workshops and conferences. Sales may be in-state or out-of-state. The revenue from sales and registration fees may be used to fund promotional efforts (e.g., advertising, mementos, awards, plaques, etc.).

| | | | | |
|------|--|-----------|-----------|-----------|
| 541 | SALARIES AND BENEFITS | POSITIONS | 117 | |
| | FROM GENERAL REVENUE FUND | | 2,563,163 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | | 2,092,912 |
| 542 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 6,292 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | | 190,916 |
| 543 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 640,112 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | | 2,003,741 |
| 544 | AID TO LOCAL GOVERNMENTS | | | |
| | CENTERS OF EXCELLENCE | | | |
| | FROM GENERAL REVENUE FUND | | 905,755 | |
| 544A | AID TO LOCAL GOVERNMENTS | | | |
| | GRANTS AND AIDS - ADULT LITERACY CENTERS | | | |
| | FROM GENERAL REVENUE FUND | | 200,000 | |
| 545 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 2,926 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | | 43,337 |
| 546 | SPECIAL CATEGORIES | | | |
| | BLUEPRINT FOR CAREER PREPARATION | | | |
| | FROM GENERAL REVENUE FUND | | 4,955,635 | |
| 547 | SPECIAL CATEGORIES | | | |
| | APPLIED SCIENCE AND TECHNOLOGY | | | |
| | FROM GENERAL REVENUE FUND | | 3,733,500 | |

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| | | | |
|-----|--|--------|---------|
| 548 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 19,246 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | 729,640 |

COMMUNITY COLLEGES, DIVISION OF

The funds in Specific Appropriation 553 shall be used to serve the following assigned FTE enrollments:

| | 1994-95 |
|------------------------------------|---------|
| Advanced and Professional | 108,393 |
| Postsecondary Vocational | 41,762 |
| Postsecondary Adult Vocational | 12,287 |
| Supplemental Vocational | 5,687 |
| College and Vocational Preparatory | 14,576 |
| Adult Basic & High School | 15,690 |
| Total | 198,395 |

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, supplemental vocational, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 1994-95 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 Appropriations 553 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

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their own fees.

Funds provided in Specific Appropriation 553 contemplate that each board of trustees shall have authority to designate that funds due it be placed for investment in its account with the State Board of Administration, rather than be deposited, and the board of trustees may direct those persons having money due to the board of trustees to pay such funds to the State Board of Administration to make authorized investments for its accounts.

The Division of Community Colleges shall have the authority to distribute the funds provided in Specific Appropriation 553 in 12 unequal installments as may be necessary to provide for the resolution of any cash flow problems in the community college system.

No funds shall be expended from Specific Appropriation 553 for the operation of the Community Instructional Services Program.

Funds provided in Specific Appropriation 553 contemplate that, except for CO&DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, 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 CO & DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, postsecondary adult and supplemental disciplines in the vocational program and the lifelong learning program 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.

Funds provided in Specific Appropriation 553 contemplate that colleges shall continue to the extent possible to reduce the class size of college level English and mathematics courses to an average of 22 students.

Courses in the college and vocational preparatory education program shall be approved by the State Board of Community Colleges and be recorded in the statewide common course numbering system.

From the funds provided in Specific Appropriation 553, community colleges may waive fees for any

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non-fee exempt student provided that the total number of students for whom fees are waived shall not exceed five percent of the systemwide full-time equivalent enrollment in postsecondary adult vocational, vocational supplemental, and vocational preparatory programs.

| | | | | |
|-----|-------------------------------------|-----------|-----------|---------|
| 549 | SALARIES AND BENEFITS | POSITIONS | 47 | |
| | FROM GENERAL REVENUE FUND | | 2,352,049 | |
| | FROM FACILITIES CONSTRUCTION | | | |
| | ADMINISTRATION TRUST FUND | | | 110,385 |

From the funds in Specific Appropriations 549 and 551 the State Board of Community Colleges shall amend its rules to specify that, beginning with the Fall Term, 1995, no community college may require more than sixty semester hours of college credit to receive an associate in arts degree from a community college. All courses required for graduation must be accepted by the State University System. By December 15, 1994, the State Board of Community Colleges shall report to the Governor and Legislature the decisions made by each college to implement this requirement.

From Specific Appropriation 549, \$54,000 in recurring funding shall be provided to the Division of Community Colleges Management Information Systems staff for one additional systems analyst position. This position shall be used to augment the Division of Community Colleges Management Information Systems staff so that they can complete the development of the community colleges staff data base and participate with FIRN, in the design and implementation of the integrated design of the community colleges student, staff, financial, and facilities data bases. This integrated data base shall be ready for certification testing by July 1, 1996.

| | | | | |
|-----|-------------------------------------|--|---------|--------|
| 550 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 20,229 | |
| 551 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 493,042 | |
| | FROM FACILITIES CONSTRUCTION | | | |
| | ADMINISTRATION TRUST FUND | | | 14,625 |

From the funds in Specific Appropriation 551, up to \$25,000 shall be used to support the statewide job fair.

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552 AID TO LOCAL GOVERNMENTS
 GRANTS AND AIDS - COMMUNITY COLLEGE
 LOTTERY FUNDS
 FROM EDUCATIONAL ENHANCEMENT TRUST FUND 125,782,430

Funds provided in Specific Appropriation 552 shall be allocated as follows:

| | |
|----------------------------|------------|
| Brevard | 4,999,090 |
| Broward | 7,990,936 |
| Central Florida | 2,207,588 |
| Chipola | 940,856 |
| Daytona Beach | 6,904,894 |
| Edison | 2,996,284 |
| Florida CC at Jacksonville | 11,674,476 |
| Florida Keys | 578,842 |
| Gulf Coast | 2,145,456 |
| Hillsborough | 6,918,208 |
| Indian River | 4,901,454 |
| Lake City | 1,397,336 |
| Lake-Sumter | 762,702 |
| Manatee | 2,858,072 |
| Miami-Dade | 21,320,786 |
| North Florida | 537,632 |
| Okaloosa-Walton | 2,220,268 |
| alm Beach | 5,457,472 |
| Pasco-Hernando | 1,968,570 |
| Pensacola | 5,220,356 |
| Polk | 2,075,082 |
| St. Johns | 1,287,020 |
| St. Petersburg | 7,015,210 |
| Santa Fe | 4,861,512 |
| Seminole | 4,271,892 |
| South Florida | 1,657,910 |
| Tallahassee | 3,343,082 |
| Valencia | 7,269,444 |

The State Board of Community Colleges shall submit a report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate reflecting how these funds were expended.

553 AID TO LOCAL GOVERNMENTS
 GRANTS AND AIDS - COMMUNITY COLLEGES
 PROGRAM FUND
 FROM GENERAL REVENUE FUND 496,702,851

The average matriculation fees specified in Subsection 240.35(5), Florida Statutes, are hereby established for 1994-95 as follows:

| Program | Amount Per Credit Hour |
|---------------------------|------------------------|
| Advanced and Professional | \$ 27.54 |

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|--------------------------|-------|
| Postsecondary Vocational | 27.54 |
| Adult Vocational | 12.36 |
| Supplemental Vocational | 24.58 |
| College Preparatory | 27.54 |

The additional tuition fee paid by out-of-state residents shall be no less than three times the matriculation fee established by each board of trustees.

No community college shall be required to reduce matriculation and tuition fees in Adult Vocational, Vocational Preparatory, and Adult Education Programs in 1994-95 from the prior year.

Funds provided in Specific Appropriation 553 shall be allocated as follows:

| | |
|---------------------|------------|
| Brevard | 22,931,331 |
| Broward | 31,684,174 |
| Central Florida | 9,010,448 |
| Chipola | 5,286,366 |
| Daytona Beach | 23,009,509 |
| Edison | 10,924,194 |
| FICC @ Jacksonville | 44,787,888 |
| Florida Keys | 3,820,676 |
| Gulf Coast | 8,171,799 |
| Hillsborough | 25,322,386 |
| Indian River | 17,611,377 |
| Lake City | 7,756,446 |
| Lake-Sumter | 4,115,215 |
| Manatee | 11,130,363 |
| Miami-Dade | 85,444,129 |
| North Florida | 3,506,576 |
| Okaloosa-Walton | 8,686,325 |
| Palm Beach | 21,141,920 |
| Pasco-Hernando | 7,299,877 |
| Pensacola | 23,345,254 |
| Polk | 8,474,044 |
| St. Johns River | 5,302,918 |
| St. Petersburg | 26,600,267 |
| Santa Fe | 19,248,893 |
| Seminole | 16,198,156 |
| South Florida | 7,307,887 |
| Tallahassee | 13,132,907 |
| Valencia | 25,441,526 |

The Division of Community Colleges shall maintain a policy regarding office hours that 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

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Appropriation 553 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 553 are authorized for a Clearinghouse on Parenting at Tallahassee Community College.

Funds provided in Specific Appropriation 553 are for the joint IFAS/PJC program.

From the funds in Specific Appropriation 553, \$2,000,000 which was expended by colleges in non-instructional categories in 1993-94, shall be redirected to instructional categories for 1994-95. The Division of Community Colleges shall identify the 1993-94 expenditure level of those specific functions as defined in the State Accounting Manual for Florida Community Colleges as the base for change and shall compare that level to the expenditure level for 1994-95. The Division shall exclude the increased funding for the operating cost of new facilities provided in this appropriation and the additional funding provided for database development and integration from the redirection calculation. The Division shall report to the Governor and Legislature by October 15, 1994, each college's plan for redirection. The Division shall report to the Governor and Legislature by October 15, 1995, the actual amount redirected by each college.

Each college shall redirect its proportionate share of the \$2,000,000 based on its share of the 1993-94 General Revenue appropriation.

554 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 88,579

554A SPECIAL CATEGORIES
EDUCATIONAL EQUIPMENT/LIBRARY RESOURCES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND 5,429,471

Funds provided in Specific Appropriation 554A shall be allocated as follows:

Table with 2 columns: Location and Amount. Rows include Brevard (353,172), Broward (411,715), Central Florida (74,930), Chipola (17,814), Daytona Beach (207,654), Edison (81,617), FICC @ Jacksonville (441,041), Florida Keys (24,998), Gulf Coast (81,236), Hillsborough (86,096), Indian River (139,041).

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| | |
|-----------------|---------|
| Lake City | 140,750 |
| Lake-Sumter | 74,187 |
| Manatee | 83,842 |
| Miami-Dade | 940,524 |
| North Florida | 23,048 |
| Okaloosa-Walton | 193,305 |
| Palm Beach | 422,857 |
| Pasco-Hernando | 90,434 |
| Pensacola | 374,566 |
| Polk | 73,869 |
| St. Johns River | 47,852 |
| St. Petersburg | 148,486 |
| Santa Fe | 156,268 |
| Seminole | 456,923 |
| South Florida | 44,380 |
| Tallahassee | 130,861 |
| Valencia | 108,005 |

| | | | |
|--|---|-----------|-----------|
| 554B | SPECIAL CATEGORIES GRANTS AND AIDS - CHILD CARE PROJECTS FROM GENERAL REVENUE FUND | 157,154 | |
| 555 | SPECIAL CATEGORIES GRANTS AND AIDS - AUXILIARY LEARNING AIDS FOR POSTSECONDARY HANDICAPPED STUDENTS FROM GENERAL REVENUE FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND | 882,167 | 998,700 |
| 556A | SPECIAL CATEGORIES GRANTS AND AIDS - MIAMI BOOK FAIR FROM GENERAL REVENUE FUND | 100,000 | |
| 557 | SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND | | 5,500,000 |
| Funds provided in Specific Appropriation 557 shall be expended pursuant to Section 240.36, Florida Statutes. | | | |
| 562 | SPECIAL CATEGORIES GRANTS AND AIDS - LIBRARY AUTOMATION FROM GENERAL REVENUE FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND | 2,501,436 | 989,399 |
| 563 | SPECIAL CATEGORIES PERFORMANCE BASED INCENTIVE PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND | | 2,000,000 |

Contingent upon appropriate legislation becoming law, up to \$10,000,000 from Specific Appropriation 553 may be used in conjunction with funding from other sources including Specific Appropriation 563 and Specific Appropriation 1792 for the purposes of

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economic development and reduction of welfare rolls. The combined funds will be earned by community colleges under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, Florida Statutes) and for enrolling, training, and placing economically disadvantaged individuals. Funds from Specific Appropriation 553 will represent at most 40 percent of the combined funds and not more than seven percent of an individual community college allocation for adult vocational education programs.

564 SPECIAL CATEGORIES
GRANTS AND AIDS - NURSING EDUCATION
CHALLENGE GRANT FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND 1,600,000

565 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING
CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 300,000

566 SPECIAL CATEGORIES
MILITARY-RELATED ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 459,289

From funds provided in Specific Appropriation 566 the State Board of Community Colleges shall award grants to community colleges on a competitive basis. Grants shall be awarded for examining non-military application of high technology and for the technical training and placement of former military personnel.

567 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF
EDUCATION
FROM GENERAL REVENUE FUND 59,615

568 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY
SYSTEM
FROM GENERAL REVENUE FUND 613,484

POSTSECONDARY EDUCATION PLANNING COMMISSION

569 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 542,454

570 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,760

571 EXPENSES
FROM GENERAL REVENUE FUND 111,121

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| | | |
|-----|--|---------|
| 572 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 6,180 |
| 573 | SPECIAL CATEGORIES SPECIAL STUDIES FROM GENERAL REVENUE FUND | 130,000 |

From the funds in Specific Appropriation 573, the Postsecondary Education Planning Commission shall begin the first of a two-year phased development of a Postsecondary Education Finance Simulation Model. The model shall incorporate the data compiled in the Commission's study, How Floridians Finance Their Postsecondary Education, and shall include modules for instructional cost, institutional revenue, student aid, and student participation/retention. When complete, the model will permit consideration of policy scenarios, which reflect the interrelationships among federal and state funding, family income, instructional costs, student charges and state financial aid. A progress report on development of the model shall be submitted to the Legislature and State Board of Education by December 15, 1994.

From the funds in Specific Appropriation 573, and in cooperation with the Commissioner of Education, the Postsecondary Education Planning Commission should recommend a clear, comprehensive telecommunications policy that focuses the State's technological resources on the accomplishment of specific educational goals. The creation of the policy should be the work of a nine member task force with broad experience in educational technology and implementing new technology in the workplace. The Governor shall appoint three members who represent business and industry and state government. The Speaker of the House of Representatives, the President of the Senate, and the Chairman of the Postsecondary Education Planning Commission shall each appoint one member to the task force. Also on the task force shall be the Commissioner of Education, the Chancellor of the State University System, and the Executive Director of the Community College System. The task force should:

1. Determine the State's future educational telecommunications policy based on the needs of Florida's citizens.
2. Review telecommunications services and capital investments offered in other state systems to compare the feasibility of existing versus emerging technologies, to gather cost information on potential telecommunications

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services, and to gauge the base of support of the telecommunications services planned for those states.

3. Examine whether the State is maximizing its current investment in educational technology and telecommunications services.
4. Compare existing educational technologies and telecommunications services with those services the State desires to provide and outline necessary steps to address the needs identified.

A report and recommendations shall be submitted to the Legislature and State Board of Education by January 31, 1995.

From the funds in Specific Appropriations 569 through 573, the Postsecondary Education Planning Commission shall review and evaluate the accountability plans in public postsecondary education as they relate to the mission and goals of each system and its respective institutions as well as the goals as articulated by the Legislature. The review and evaluation shall specifically address the extent to which the institutional and systemwide plans should be modified to provide for specific, measurable goals. The report, including any suggested modifications to the plans, shall be submitted to the Legislature and the State Board of Education by January 1, 1995.

From the funds in Specific Appropriation 573, the Postsecondary Education Planning Commission shall review selected community college programs statewide and analyze the relationship between program length and such factors as completion rates, licensure passing rates, job placements, average earnings and performance in further postsecondary education. A report and recommendations addressing acceptable ranges of program length shall be submitted to the Legislature and State Board of Education by January 31, 1995.

UNIVERSITIES, DIVISION OF

Funds in Specific Appropriations 574A through 577 contemplate that the matriculation and tuition fees collected for Summer Term 1995 enrollments shall not be expended during the 1994-95 fiscal year.

The positions created with funds in Specific Appropriations 574 through 577 in the Division of Universities represent man-years.

From the funds in Specific Appropriations 574

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through 577, the salary rate shall be consistent with legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

EDUCATIONAL AND GENERAL ACTIVITIES

The funds in Specific Appropriations 574A, 575, 576 and 577 include \$34,374,908 for fee waivers.

| | | | |
|-----|---|--|-------------|
| 574 | LUMP SUM | | |
| | STATE UNIVERSITY SYSTEM LOTTERY FUNDS | | |
| | FROM EDUCATIONAL ENHANCEMENT TRUST FUND | | 128,230,000 |

From the funds in Specific Appropriation 574 for lottery enhancements, the Board of Regents shall allocate to each university its proportional share to be used for enhanced programs to be determined by each respective university. The Board of Regents may allocate up to \$500,000 of these funds (off-the-top) for implementing systemwide or statewide priorities. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure; however, the Board of Regents shall establish a mechanism for tracking such transferred funds back to the original appropriation. The Board of Regents shall submit an annual report reflecting how these funds were expended.

| | | | |
|------|--|-------------|-------------|
| 574A | LUMP SUM | | |
| | EDUCATIONAL AND GENERAL ACTIVITIES | | |
| | FROM GENERAL REVENUE FUND | 782,557,020 | |
| | FROM INCIDENTAL TRUST FUND | | 259,759,639 |
| | FROM PHOSPHATE RESEARCH TRUST FUND | | 4,570,245 |

Specific Appropriation 574A includes funding for the following issues:

1. \$112,500 for Historic Preservation
2. \$400,000 for the Law Intern Program
3. \$4,000,000 for Distance Learning
4. ~~\$141,000 for the Center for Employee Relations & Law~~
5. \$1,700,000 for Florida State University for matching a grant
6. \$400,000 for the Asolo Theater
7. \$400,000 for the Institute of Government
8. \$100,000 for the Commission on Minority Health
9. \$400,000 for the Black Male Explorers Program
10. \$326,667 for matching agriculture grants
11. \$600,000 for the Marine Institute at USF
12. \$400,000 for the Institute on Aging at USF
13. \$400,000 for the Collaboration of Schools

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at USF

14. \$200,000 for the Minority Economic and Community Development Project
15. \$125,000 for the Florida Center for Electronic Communications
16. \$300,000 for Teacher Education Projects
17. ~~\$200,000 for the Building Construction Research and Continuing Education Program~~
18. \$350,000 for the Enhancement of Undergraduate Education at FIU
19. \$500,000 for the Center for Environmental Studies
20. \$692,094 for Equity in Athletics
21. \$1,000,000 for Engineering Enhancement

Funds provided in Specific Appropriation 574A 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 574A, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall make all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

A minimum of 71 percent of the funds provided for student financial aid in Appropriation 574A shall be allocated for need-based financial aid.

The allocation of the funds provided in Specific Appropriation 574A shall be based on the following planned FTE enrollment:

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|---------------------|---------|
| Lower Level | 32,390 |
| Upper Level | 66,632 |
| Graduate Classroom | 17,360 |
| Thesis/Dissertation | 1,783 |
| | 118,165 |
| Total | 118,165 |

From the \$32,136,719 provided in Specific Appropriation 574A for Enrollment growth, the Board of Regents shall develop a plan for increasing access to undergraduate and graduate programs in the State University System. The plan shall address, at a minimum, the following:

1. Increased course offerings to allow for students to progress through the system quickly and efficiently;
2. Adjustment in limited access programs;
3. Improved academic advising;
4. Other actions to address accountability goals related to improving undergraduate education and increasing the access to undergraduate education.

The plan shall be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House on or before October 1, 1994.

From the funds in Specific Appropriation 574A which are provided for the Center for Affordable Housing, the Center shall consult with the Department of Community Affairs as it develops its research and work plan for the 1994-95 fiscal year in order that issues of statewide concern related to the provision of affordable housing in the state of Florida may be addressed.

From funds provided in Specific Appropriation 574A for enrollment workload, the Board of Regents may approve revenue-neutral shifts between levels of enrollment at individual universities.

From the funds provided in Specific Appropriation 574A, \$326,667 is contingent upon the receipt of the United States Department of Agriculture grants.

From the funds provided in Specific Appropriation 574A, an additional \$5,000,000 are provided to continue the State University System Teaching and Departmental Incentive Program, on a competitive basis, in order to recognize, promote and stimulate high quality and productive teaching. Each university shall submit an implementation plan for approval by the Board of Regents prior to being

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funded. Individual plans shall include two elements: (1) annual awards for departments, schools, and colleges judged by the university to have the strongest teaching program and/or the most creative program for improving teaching; and (2) individual salary incentives which provide for a \$5,000 increase in the base salary of the recipient. Individual teaching awards are to be based on productivity, teaching effectiveness and creativity. These awards are a permanent increase in the base salary of the award recipient and shall be retroactive to the date of the beginning of the annual contract in the event the award is made subsequent to this date.

To be eligible for funding, proposals must contain the following information:

1. Guidelines for distributing awards to the various teaching units;
2. A process for soliciting nominations for the awards;
3. Provisions for the use of a peer review process, that will include faculty and students in selecting the award recipients; and
4. A design program for evaluating the college, school, or departmental programs of teaching support and improvement as a part of its accountability program.
5. A design and implementation program for evaluating administrators.

The Board of Regents shall provide a report to the Legislature, by January 1, 1995, regarding the elements of the approved plans and the implementation status.

Funds provided in Specific Appropriation 574A for the Institute of Government shall support state university and community college research, training and technical assistance which address problems of state and local governments. The Institute of Government may disburse funding for approved proposals to a Grants and Donations Trust Fund. The Institute of Government may not retain any portion of moneys for approved proposals.

From the \$4,000,000 provided in Specific Appropriation 574A for distance education, \$125,000 shall be allocated to the center for electronic communications to support the center's role in the implementation of an educational technology plan. The Board of Regents shall develop an addendum to the State University System Master Plan for Distance Education which shall include the role of each university and/or consortium of universities in the implementation of the plan in the State University

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System. The Board shall consult and coordinate with the Division of Community Colleges in the Development of the plan. The plan shall be consistent with the telecommunications policy as developed by the nine-member, state-wide Telecommunications Task Force created pursuant to Specific Appropriation 573. The Board of Regents is authorized to transfer funds as necessary to carry out the purposes of this appropriation, including one position and operating funds for the Board of Regents. The addendum and an implementation plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before January 2, 1995.

From the funds in Specific Appropriation 574A, for Urban Internships, each university may establish incentives for internships to give university students the opportunity to study the social, economic, educational, and political life of inner cities in metropolitan or socially and economically disadvantaged areas of the state. The students may receive up to 12 hours of credit. Student interns must work in teams to address a specific problem in urban areas or those areas which are socially and economically disadvantaged. The results of the work of each team must be published in a report and distributed to the Colleges of Education in the State University System. The funds appropriated for this purpose shall be allocated by the Board of Regents to the University of North Florida to be administered by that university. Any university is eligible for funding under this program.

From the funds in Specific Appropriation 574A, \$5,000,000 shall be redirected from non-classroom areas into classroom instruction and academic advising. Each university shall submit a report to the Board of Regents which reflects how the university plans to redirect these resources. The Board of Regents shall prepare a report of the allocation of effort for faculty, graduate assistants and other instructional positions for the fall term of 1993 as compared to the fall term of 1994 which shall document the extent to which the redirection has occurred. The report shall be submitted to the Legislature and the Executive Office of the Governor by January 2, 1995.

The funds in Specific Appropriation 574A which are transferred to the University of South Florida for the Florida Institute of Phosphate Research, are for the purpose of enabling the Institute to administer the Phosphate Research Trust Fund and to carry out the purposes of the Institute set forth in s. 378.101, Florida Statutes. Although the Institute falls under the auspices of the University of South

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Florida, the Institute is an independent policy-making and research-sponsoring organization and is authorized to administer these funds based solely on the determination of its Board of Directors. The University of South Florida shall serve as the fiscal agent for the Institute and shall provide accounting, purchasing, legal, personnel, and other required support services as consistent with State, Board of Regents, and university procedures.

No expenditures of these funds shall be made by or for the University of South Florida except that the Board of Directors of the Institute may award grants to the University of South Florida based on the Board's determination of the most effective utilization of available funds and in accordance with those procedures for the procurement of research services established by the Institute pursuant to the Florida Institute of Phosphate Research Competitive Negotiation Act (s. 378.102, Florida Statutes).

575 LUMP SUM

| | |
|---|------------|
| INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS | |
| FROM GENERAL REVENUE FUND | 99,660,722 |
| FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND | 3,353,110 |
| FROM EXPERIMENT STATION INCIDENTAL TRUST FUND | 2,972,871 |
| FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND | 4,168,410 |
| FROM EXTENSION SERVICE INCIDENTAL TRUST FUND | 1,028,659 |
| FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES STUDENT FEE TRUST FUND | 3,148,158 |

Specific Appropriation 575 includes funding for the following issues:

1. \$19,000 for the Aquaculture Farm
2. \$608,798 for the Southwest Area Research and Education Center

The funds in Specific Appropriation 575, for the Experiment Station Trust Fund, anticipate the transfer of \$1,900,000 from the Water Quality Assurance Trust Fund in the Department of Environmental Protection, for the purpose of continuing the assessment, site closure, and site cleanup activities pursuant to the joint plan approved by the Chancellor of the State University System and the Secretary of the Department of Environmental Protection on October 1, 1993. All activities and expenditures, as required, pursuant to the agreement, shall be jointly coordinated between the Institute of Food and Agricultural

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Sciences and the Department of Environmental Protection.

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| 576 | LUMP SUM | | |
| | UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS | | |
| | FROM GENERAL REVENUE FUND | 37,403,062 | |
| | FROM UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER STUDENT FEE TRUST FUND | | 4,026,668 |
| | FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND | | 1,145,872 |

Specific Appropriation 576 includes funding for the following issue:
1. \$168,665 for the College of Nursing

| | | | |
|-----|--|------------|------------|
| 577 | LUMP SUM | | |
| | UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS | | |
| | FROM GENERAL REVENUE FUND | 80,689,017 | |
| | FROM INCIDENTAL TRUST FUND | | 18,196,656 |
| | FROM UNIVERSITY OF FLORIDA HEALTH SCIENCES CENTER STUDENT FEE TRUST FUND | | 9,375,582 |
| | FROM LIABILITY INSURANCE TRUST FUND | | 7,413,094 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 4,321,359 |
| | FROM UNIVERSITY OF FLORIDA HEALTH SCIENCE CENTER/JACKSONVILLE TRUST FUND | | 7,142,052 |

Specific Appropriation 577 includes funding for the following issues:
1. \$200,000 for Spinal Cord Research
2. \$714,000 for the Satellite Dental Clinic

| | | | |
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| 582 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CANCER CENTER OPERATION | | |
| | FROM GENERAL REVENUE FUND | 9,085,170 | |

Specific Appropriation 582 includes funding for the following issue:
1. \$15,000 for the Cancer Control and Research Advisory Council

Funds in Specific Appropriation 582 may be disbursed in advance to the contractor on a quarterly basis.

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| 585 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - SHANDS TEACHING HOSPITAL | | |
| | FROM GENERAL REVENUE FUND | 9,768,979 | |

Funds in Specific Appropriation 585 may be disbursed in advance to the contractor on a quarterly basis.

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|-----|---|------------|-----------|
| 587 | SPECIAL CATEGORIES | | |
| | LIBRARY RESOURCES | | |
| | FROM GENERAL REVENUE FUND | 23,577,896 | |
| | FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . | | 4,565,000 |
| | FROM LIABILITY INSURANCE TRUST FUND | | 2,000 |
| | FROM UNIVERSITY OF FLORIDA HEALTH | | |
| | SCIENCE CENTER/JACKSONVILLE TRUST FUND . | | 2,000 |

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|-----|-------------------------------------|-----------|--|
| 592 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | SCHOLARSHIPS | | |
| | FROM GENERAL REVENUE FUND | 1,800,000 | |

Specific Appropriation 592 includes funding for the following issues:

1. \$1,300,000 for Minority Legal Education
2. \$500,000 for Minority Scholarships

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|------|-------------------------------------|---------|--|
| 592A | FINANCIAL ASSISTANCE PAYMENTS | | |
| | VIRGIL HAWKINS FELLOWSHIP PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 538,320 | |

BOARD OF REGENTS GENERAL OFFICE

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|-----|--|-----------|-----------|
| 594 | SALARIES AND BENEFITS | POSITIONS | 161 |
| | FROM GENERAL REVENUE FUND | | 6,032,152 |
| | FROM FACILITIES CONSTRUCTION | | |
| | ADMINISTRATION TRUST FUND | | 917,790 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 173,704 |
| | FROM STATE UNIVERSITY SYSTEM PERSONNEL | | |
| | TRUST FUND | | 512,721 |

From funds in Specific Appropriations 594 through 597, the Board of Regents shall develop measurable objectives related to equity in athletics and faculty productivity. The objectives related to faculty productivity shall include, at a minimum, contact hours, the average number of contact hours taught per faculty member, and the average number of courses taught by each faculty member. Each university shall establish standards for faculty effort and "other" effort for instruction, academic advising, research, public service, academic administration, and governance. The standards shall be compared to actual effort and reported in the annual Accountability Report. The Board of Regents shall develop a system for providing incentives and disincentives for performance in meeting the objectives included in the Accountability Plan. The objectives, standards, incentives and disincentives described above shall be included in the Accountability Report which is due to the Legislature in December, 1994.

From the funds in Specific Appropriations 594 through 597, the Board of Regents shall reconvene

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the task force which developed the new funding model for the State University System for the purpose of continued development of the portion of the model which relates to the special units. The proposed funding model shall be developed in conjunction with the Universities, staff of the Legislative Appropriations Committees and staff of the Executive Office of the Governor and the Postsecondary Education Planning Commission. The task force shall also undertake a study of the various program costs in an effort to determine efficiencies and inefficiencies in expenditures. Analysis shall be undertaken regarding methods for assessing, improving and rewarding efficiency. In addition, the task force shall develop a method for measuring and monitoring instructional effort with a specific emphasis on faculty effort. The proposed funding model shall be an integral part of the accountability process established pursuant to Section 240.214, Florida Statutes. The funding model shall be submitted to the Legislature and the Executive Office of the Governor on or before October 1, 1995.

From funds in Specific Appropriations 594 through 597, the Board of Regents shall develop a proposal for calculating planned enrollment for degree-seeking students at the University of Florida Health Center, the University of South Florida Medical Center and the Institute of Food and Agricultural Sciences. The proposal shall include a methodology for calculating the post-professional degree students associated with the Health Center and the Medical Center. The proposal shall be presented to the Enrollment Estimating Conference during the Fall of 1994.

From funds provided in Specific Appropriations 594 through 597, the Board of Regents shall appoint a seven-member task force to propose a formalized, on-going process that may be used to systematically identify and prioritize state mental health concerns and the research and training activities which are required to address such concerns. The proposal shall also include a process for determining the source of funds to be used for funding these activities. The proposal shall identify which individuals and entities should be involved in the process, and the proposal shall include any statutory changes that would be required to ensure that the process would be followed.

The task force shall consist of a representative from each of the following groups: the Department of Corrections; the Alcohol, Drug Abuse and Mental Health Program of the Department of Health and Rehabilitative Services; the Division of Public

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Schools of the Department of Education; the Board of Regents; advocacy organizations that primarily represent mental health consumers and their families; and service providers. The task force shall also include an individual with experience in coordination of research activities with user group needs. A report shall be submitted to the Board of Regents, the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives no later than December 31, 1994.

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| 595 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 340,162 | |
| | FROM FACILITIES CONSTRUCTION | | |
| | ADMINISTRATION TRUST FUND | | 36,907 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 10,000 |
| | FROM STATE UNIVERSITY SYSTEM PERSONNEL | | |
| | TRUST FUND | | 60,500 |
| 596 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,707,076 | |
| | FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . . | | 11,700 |
| | FROM FACILITIES CONSTRUCTION | | |
| | ADMINISTRATION TRUST FUND | | 158,936 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 735,200 |
| | FROM STATE UNIVERSITY SYSTEM PERSONNEL | | |
| | TRUST FUND | | 105,791 |
| 597 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 170,775 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 14,300 |
| 597A | LUMP SUM | | |
| | LUMP SUM - PERSONNEL DATABASE | | |
| | FROM GENERAL REVENUE FUND | 500,000 | |

Specific Appropriation 597A includes \$500,000 to be used in the development and implementation phases of a comprehensive statewide state university system staff database. The database shall be developed in consultation with the Florida Information Resource Network (FIRN) applications staff and the Legislature. A progress report shall be submitted to the legislative appropriations committees by December 31 of each year until completion of the project. The Board of Regents may transfer funds to the various universities, as required, to implement the provisions of this program.

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| 598 | SPECIAL CATEGORIES | | |
| | CHALLENGE GRANTS | | |
| | FROM EMINENT SCHOLARS TRUST FUND | | 13,960,000 |
| | FROM MAJOR GIFTS TRUST FUND | | 10,000,000 |
| | FROM THEODORE R. AND VIVIAN M. JOHNSON | | |
| | SCHOLARSHIP PROGRAM TRUST FUND | | 200,000 |

The funds provided by Chapter 92-294, Laws of

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Florida, together with the matching funds for the Bill Sadowski Fellowship Program at the Collins Center for Public Policy, may be utilized for providing interns for non-profit, tax-exempt community-based organizations.

- 601 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 5,161,600

Funds for all specialties, excluding Family Practice, provided in Specific Appropriation 601 shall be expended to support clinical experiences in underserved urban or rural populations and/or settings. From the funds allocated to Family Practice, at least the same dollar amount shall be expended per resident for this purpose. The Community Hospital Education Council shall develop a method of allocation for up to 10% of the funds in Specific Appropriation 601 which provides additional support to those programs which make a comparatively greater contribution than the average participating program to the number of primary care practitioners in Florida. Additional consideration shall be made for those programs whose graduates practice in underserved areas or provide care to underserved populations.

- 602 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 1,500,000

Funds in Specific Appropriation 602 may be advance funded on a quarterly basis.

- 603 SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM RACING SCHOLARSHIP TRUST FUND 75,000

- 604 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 13,324,765

Funds provided in Specific Appropriation 604 provide \$27,655.17 for 500 Florida residents attending the University of Miami Medical School. Students admitted during or after Fall 1991 shall meet the residency requirements of s. 240.1201, Florida Statutes. Students admitted prior to Fall 1991 shall be certified as Florida residents based on the criteria stipulated at the time of admission. The residency requirement shall not apply to the students granted admission to the School of Medicine prior to June, 1990, in the Medical Scholars Program, the Honors Program in Medical Education, or

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the Honors Program in Engineering and Medicine.

- 605 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OSTEOPATHY
FROM GENERAL REVENUE FUND 1,854,091

Funds in Specific Appropriation 605 are for 320 osteopathic students at \$5,794.03 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its osteopathic program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

- 606 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - PHARMACY
FROM GENERAL REVENUE FUND 588,244

Funds in Specific Appropriation 606 are for 240 pharmacy students at \$2,451.02 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its pharmacy program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

- 607 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OPTOMETRY
FROM GENERAL REVENUE FUND 331,974

Funds in Specific Appropriation 607 are for 51 optometry students at \$6,509.29 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its optometry program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

- 608 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 125,000

Funds in Specific Appropriation 608 are provided to the Southeastern University of Health Sciences to continue the training program dealing with the public sector, rural and unmet medical needs.

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609 SPECIAL CATEGORIES
 REGIONAL EDUCATION
 FROM GENERAL REVENUE FUND 244,700

Funds in Specific Appropriation 609 include funds for 15 optometry students at \$6,900 per Florida resident as defined in s. 240.1201, Florida Statutes. The Board of Regents is directed to notify the Southern Regional Education Board of the intent to continue to phase down the contract programs at Southern College and the University of Houston. Funds for administration may be advance funded entirely in the first quarter and funds for contracted spaces shall be released in the first and third quarters.

610 SPECIAL CATEGORIES
 GRANTS AND AIDS - SPINAL CORD
 RESEARCH/UNIVERSITY OF MIAMI
 FROM OPERATIONS AND MAINTENANCE TRUST
 FUND 500,000

611 SPECIAL CATEGORIES
 FLORIDA'S OFFICE FOR CAMPUS VOLUNTEERS
 FROM GENERAL REVENUE FUND 135,889

612 DATA PROCESSING SERVICES
 REGIONAL DATA CENTERS - STATE UNIVERSITY
 SYSTEM
 FROM GENERAL REVENUE FUND 381,659
 FROM FACILITIES CONSTRUCTION
 ADMINISTRATION TRUST FUND 1,965
 FROM STATE UNIVERSITY SYSTEM PERSONNEL
 TRUST FUND 3,276

ELDER AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriations 613 through 630, it is estimated that \$8,846,769 is continued from FY 1993-94 to provide 2,842,736 trips to transportation disadvantaged individuals. The department shall provide, by December 31, 1994, information to the statewide Transportation Disadvantaged Commission on the actual number of trips provided in FY 1993-94 to these individuals and actual expenditures. Information shall also be provided for FY 1994-95 on a year-to-date basis after the first, second and third quarters of FY 1994-95. The information shall be reported in such a manner as to clearly distinguish between those trips provided through coordinated systems established pursuant to Part I of Chapter 427, F.S. and those provided through other sources. In compiling and transmitting this information, the department will use standard definitions and a standard format to be developed by the statewide

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Transportation Disadvantaged Commission.

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|-----|--|-----------|-----------|-----------|
| 613 | SALARIES AND BENEFITS | POSITIONS | 101 | |
| | FROM GENERAL REVENUE FUND | | 1,536,249 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 41,948 |
| | FROM FEDERAL GRANTS TRUST FUND | | | 2,537,854 |

Up to \$10,000 from the funds in Specific Appropriation 613, 614, or 615 may be used by the Department to conduct a study to determine the need for a teaching nursing home to be located in Dade County. The study shall document the area of nursing home care in need of staff training and development and clinical and health services research. At a minimum, the study shall consider the needs of Alzheimer's patients, chronic diseases in geriatric patients, continuity of care issues, and subacute and transitional care needs. Neither the funding of this issue nor the findings of this study are intended to influence or impact any decision relating to the need for or exemption from a Certificate of Need requirement.

The Department shall consult with the Agency for Health Care Administration in conducting the study and shall report its findings to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor by August 15, 1994.

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| 614 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 98,042 | |
| | FROM FEDERAL GRANTS TRUST FUND | | | 77,992 |
| 615 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 317,542 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 8,206 |
| | FROM FEDERAL GRANTS TRUST FUND | | | 694,460 |
| 616A | LUMP SUM | | | |
| | STATE LONG-TERM CARE OMBUDSMAN COUNCIL | | | |
| | | POSITIONS | 2 | |
| | FROM GENERAL REVENUE FUND | | 123,619 | |
| | FROM FEDERAL GRANTS TRUST FUND | | | 143,505 |

Funds provided in Specific Appropriation 616A, shall be used to fund the legal advocate position already established, a coordinator position in District 3, an additional position, and districts' travel.

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| 618 | SPECIAL CATEGORIES | | | |
| | AGING AND ADULT SERVICES TRAINING AND EDUCATION | | | |
| | FROM FEDERAL GRANTS TRUST FUND | | | 119,493 |

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619 SPECIAL CATEGORIES
 GRANTS AND AIDS - ALZHEIMER'S DISEASE
 PROJECTS/SERVICES
 FROM GENERAL REVENUE FUND 2,978,373

From the funds in Specific Appropriation 619, \$300,000 is provided for an Alzheimer's ACLF, Day Care and Respite project in Planning and Service Area 10. In addition, \$190,000 is provided for an Alzheimer's project for the Mayo Clinic in Duval County.

620 SPECIAL CATEGORIES
 GRANTS AND AIDS - ALZHEIMERS DISEASE
 RESPITE SERVICES
 FROM GENERAL REVENUE FUND 2,810,618

621 SPECIAL CATEGORIES
 GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
 FROM GENERAL REVENUE FUND 39,888,847
 FROM FEDERAL GRANTS TRUST FUND 231,014
 FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,500,000

From funds in Specific Appropriation 621, a maximum of \$35,000 for administrative costs associated with Community Care for the Elderly may be retained by each Area Agency on Aging.

622 SPECIAL CATEGORIES
 GRANTS AND AIDS - HOME ENERGY ASSISTANCE
 FROM ADMINISTRATIVE TRUST FUND 1,786,758

623 SPECIAL CATEGORIES
 GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
 FROM GENERAL REVENUE FUND 355,936
 FROM FEDERAL GRANTS TRUST FUND 60,154,225

624 SPECIAL CATEGORIES
 GRANTS AND AIDS - CONTRACTED SERVICES
 FROM GENERAL REVENUE FUND 94,555
 FROM FEDERAL GRANTS TRUST FUND 4,519,905

625 SPECIAL CATEGORIES
 GRANTS AND AIDS - ELDERLY MEALS PROGRAMS
 FROM GENERAL REVENUE FUND 212,996

626 SPECIAL CATEGORIES
 HOME AND COMMUNITY BASED SERVICES WAIVER
 FROM GENERAL REVENUE FUND 9,324,640
 FROM OPERATIONS AND MAINTENANCE TRUST FUND 11,646,479

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| 626A | SPECIAL CATEGORIES | | |
| | ADULT CONGREGATE LIVING FACILITY RESIDENT WAIVER | | |
| | FROM GENERAL REVENUE FUND | 1,000,000 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 1,281,022 |

The funds in Specific Appropriation 626A shall be used to implement a Medicaid 1915(C) waiver for services to severely impaired residents of Adult Congregate Living Facilities, provided such waiver is approved by the United States Health Care Financing Administration. Up to \$50,000 in general revenue funds shall be transferred to the Agency for Health Care Administration as state match for a contract evaluation of the waiver.

The Department in consultation with the Agency for Health Care Administration shall develop standards for evaluating, approving, and monitoring facilities that participate in the waiver program, and guidelines to ensure adequate care of residents.

The Department of Elderly Affairs shall coordinate an advisory oversight study committee to include representatives from the department, the Agency for Health Care Administration, the Florida Association of Homes for the Aging, the Florida Health Care Association, the Florida Assisted Living Association, the Office of Economic and Demographic Research, and the eligibility determination program of the Department of Health and Rehabilitative Services. This committee shall review the Medicaid waiver application prior to submittal; the request for proposal for the evaluation of the waiver; and all interim and final reports relating to the waiver.

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| 627 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - LOCAL SERVICES PROGRAMS | | |
| | FROM GENERAL REVENUE FUND | 3,012,479 | |

From the funds in Specific Appropriation 627, \$250,000 from the General Revenue fund is provided to Pinellas, Pasco, and Broward counties.

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| 628 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - STATE LEGALIZATION | | |
| | IMPACT ASSISTANCE GRANTS | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 286,774 |

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| 629 | SPECIAL CATEGORIES | | |
| | LONG TERM CARE OMBUDSMAN COUNCIL | | |
| | FROM GENERAL REVENUE FUND | 19,733 | |

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| 630 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - HURRICANE ANDREW RELIEF | | |
| | - ADMINISTRATIVE ACTIVITIES | | |
| | FROM HURRICANE ANDREW DISASTER RELIEF | | |
| | TRUST FUND | | 4,012,617 |

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

| | | | | |
|-----|--|-----------|------------|------------|
| 631 | SALARIES AND BENEFITS | POSITIONS | 4,178 | |
| | FROM GENERAL REVENUE FUND | | 40,386,353 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 5,325,616 |
| | FROM AQUATIC PLANT CONTROL TRUST FUND | | | 1,290,186 |
| | FROM AIR POLLUTION CONTROL TRUST FUND | | | 8,079,396 |
| | FROM ENVIRONMENTAL LABORATORY TRUST FUND | | | 295,241 |
| | FROM COASTAL PROTECTION TRUST FUND | | | 1,277,647 |
| | FROM CONSERVATION AND RECREATION LANDS | | | |
| | TRUST FUND | | | 2,813,326 |
| | FROM BEACH MANAGEMENT TRUST FUND | | | 162,024 |
| | FROM INLAND PROTECTION TRUST FUND | | | 7,267,554 |
| | FROM FORFEITED PROPERTY TRUST FUND | | | 89,115 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 1,060,291 |
| | FROM HAZARDOUS WASTE MANAGEMENT TRUST | | | |
| | FUND | | | 658,484 |
| | FROM INTERNAL IMPROVEMENT TRUST FUND | | | 6,185,498 |
| | FROM MARINE RESOURCES CONSERVATION TRUST | | | |
| | FUND | | | 2,974,556 |
| | FROM MARINE FISHERIES COMMISSION TRUST | | | |
| | FUND | | | 501,762 |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST | | | |
| | FUND | | | 3,377,980 |
| | FROM MOTORBOAT REVOLVING TRUST FUND | | | 7,485,122 |
| | FROM NON-MANDATORY LAND RECLAMATION | | | |
| | TRUST FUND | | | 1,928,479 |
| | FROM OPERATING TRUST FUND | | | 9,786,813 |
| | FROM PERMIT FEE TRUST FUND | | | 9,503,236 |
| | FROM PETROLEUM EXPLORATION AND | | | |
| | PRODUCTION BOND TRUST FUND | | | 36,643 |
| | FROM POLLUTION RECOVERY TRUST FUND | | | 1,283,372 |
| | FROM SAVE THE MANATEE TRUST FUND | | | 1,156,430 |
| | FROM SOLID WASTE MANAGEMENT TRUST FUND | | | 2,819,394 |
| | FROM STATE PARK TRUST FUND | | | 24,726,778 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | | 7,747,877 |
| | FROM WORKING CAPITAL TRUST FUND | | | 1,123,828 |
| | FROM CROSS FLORIDA BARGE CANAL TRUST | | | |
| | FUND | | | 564,502 |

From funds included in Specific Appropriation 631, the department shall prepare a report which documents, for the last completed fiscal year, all leases and subleases of Trustees' land, indicating for each leasee the number of parcels leased, the acreage and estimated value of each parcel leased, the purpose for which the lease was granted, and the annual revenues received by the Trustees from each leased parcel. For leased lands managed by public agencies or governmental entities, the department

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shall also report the amount of annual revenues received by the managing entity which are not remitted to the Internal Improvement Trust Fund. For each leased parcel for which no revenues are received by the Trustees, the department shall indicate why lease fees are not collected. For the purpose of this report, the term lease shall include easements. The department shall submit this report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House by December 31, 1994.

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| 632 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,954,082 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 149,280 |
| | FROM AQUATIC PLANT CONTROL TRUST FUND | | 517,080 |
| | FROM AIR POLLUTION CONTROL TRUST FUND | | 4,710,330 |
| | FROM COASTAL PROTECTION TRUST FUND | | 623,000 |
| | FROM CONSERVATION AND RECREATION LANDS TRUST FUND | | 61,092 |
| | FROM FLORIDA AREA OF CRITICAL STATE CONCERN RESTORATION TRUST FUND | | 572,000 |
| | FROM BEACH MANAGEMENT TRUST FUND | | 142,624 |
| | FROM INLAND PROTECTION TRUST FUND | | 443,120 |
| | FROM FORFEITED PROPERTY TRUST FUND | | 91,030 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 411,093 |
| | FROM INTERNAL IMPROVEMENT TRUST FUND | | 1,379,841 |
| | FROM MARINE TURTLE PROTECTION TRUST FUND | | 30,000 |
| | FROM MARINE RESOURCES CONSERVATION TRUST FUND | | 3,023,757 |
| | FROM MARINE FISHERIES COMMISSION TRUST FUND | | 31,562 |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | | 1,704,500 |
| | FROM MOTORBOAT REVOLVING TRUST FUND | | 87,532 |
| | FROM NON-MANDATORY LAND RECLAMATION TRUST FUND | | 145,479 |
| | FROM OPERATING TRUST FUND | | 6,905,616 |
| | FROM PERMIT FEE TRUST FUND | | 227,110 |
| | FROM POLLUTION RECOVERY TRUST FUND | | 668,000 |
| | FROM SAVE THE MANATEE TRUST FUND | | 1,049,863 |
| | FROM SOLID WASTE MANAGEMENT TRUST FUND | | 716,666 |
| | FROM STATE PARK TRUST FUND | | 1,817,558 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | 3,478,852 |
| | FROM WORKING CAPITAL TRUST FUND | | 6,000 |
| | FROM YOUTH CONSERVATION CORPS TRUST FUND | | 425,000 |
| | FROM CROSS FLORIDA BARGE CANAL TRUST FUND | | 621,600 |

From funds provided in Specific Appropriation 632 from the State Park Trust Fund, \$30,000 shall be used to contract with the Division of Historical Resources, Historic Pensacola Preservation Board, for the maintenance and upkeep of state parks designated in section 258.15, Florida Statutes.

Funds in Specific Appropriation 632 shall not be

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used to fund research further north than an east/west line across the Matanzas River at Cedar Landing near channel marker 81, approximately 4 miles north of the Flagler County line at latitude 29.72 decimal degrees.

From funds in Specific Appropriation 632, \$375,000 from the Internal Improvement Trust Fund is provided for the restoration of public land survey corners and the establishment of geodetic controls in Clay, Indian River, and Santa Rosa Counties.

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| 633 | EXPENSES | |
| | FROM GENERAL REVENUE FUND | 7,399,667 |
| | FROM ADMINISTRATIVE TRUST FUND | 1,183,248 |
| | FROM AQUATIC PLANT CONTROL TRUST FUND | 1,208,471 |
| | FROM AIR POLLUTION CONTROL TRUST FUND | 1,543,616 |
| | FROM COASTAL PROTECTION TRUST FUND | 541,542 |
| | FROM CONSERVATION AND RECREATION LANDS TRUST FUND | 1,195,017 |
| | FROM FLORIDA AREA OF CRITICAL STATE CONCERN RESTORATION TRUST FUND | 243,010 |
| | FROM BEACH MANAGEMENT TRUST FUND | 363,077 |
| | FROM INLAND PROTECTION TRUST FUND | 1,691,895 |
| | FROM FORFEITED PROPERTY TRUST FUND | 341,401 |
| | FROM GRANTS AND DONATIONS TRUST FUND | 340,586 |
| | FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND | 68,125 |
| | FROM INTERNAL IMPROVEMENT TRUST FUND | 1,918,180 |
| | FROM MARINE RESOURCES CONSERVATION TRUST FUND | 2,606,344 |
| | FROM MARINE FISHERIES COMMISSION TRUST FUND | 185,446 |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | 1,823,366 |
| | FROM MOTORBOAT REVOLVING TRUST FUND | 1,016,525 |
| | FROM NON-MANDATORY LAND RECLAMATION TRUST FUND | 619,120 |
| | FROM OPERATING TRUST FUND | 4,740,825 |
| | FROM PERMIT FEE TRUST FUND | 1,241,082 |
| | FROM PETROLEUM EXPLORATION AND PRODUCTION BOND TRUST FUND | 13,650 |
| | FROM POLLUTION RECOVERY TRUST FUND | 474,041 |
| | FROM SAVE THE MANATEE TRUST FUND | 702,304 |
| | FROM SOLID WASTE MANAGEMENT TRUST FUND | 635,002 |
| | FROM STATE PARK TRUST FUND | 9,483,477 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | 2,117,311 |
| | FROM WORKING CAPITAL TRUST FUND | 891,739 |
| | FROM CROSS FLORIDA BARGE CANAL TRUST FUND | 274,834 |
| 634 | AID TO LOCAL GOVERNMENTS | |
| | AQUATIC PLANT CONTROL MATCHING GRANTS | |
| | FROM AQUATIC PLANT CONTROL TRUST FUND | 5,300,000 |

From the funds in Specific Appropriation 634, an amount shall be reserved for the purpose of paying

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claims or judgements which shall not exceed \$1,000,000 or that amount allowed under s.768.38(5), Florida Statutes. Such payments shall be awarded by a court of competent jurisdiction if it is determined that pursuant to the department's approval of the work plan, an improper application of herbicides was administered by either the department or a government entity with which the department has contracted for the control of plants in waters of state responsibility.

| | | |
|-----|--|-----------|
| 635 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS FROM GENERAL REVENUE FUND | 817,219 |
| 636 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS FROM GENERAL REVENUE FUND | 1,099,922 |
| 637 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE FROM WATER QUALITY ASSURANCE TRUST FUND | 250,000 |
| 638 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS FROM COASTAL PROTECTION TRUST FUND | 250,000 |
| 639 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION FROM WATER QUALITY ASSURANCE TRUST FUND | 2,800,000 |
| 640 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SEWAGE TREATMENT CONSTRUCTION GRANT PROGRAM FROM APALACHICOLA BAY PROTECTION TRUST FUND | 500,000 |
| 641 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION FROM GENERAL REVENUE FUND | 547,000 |

From funds in Specific Appropriation 641, \$300,000 shall be used by the Northwest Florida Water Management District and \$247,000 by the Suwannee River Water Management District to implement their surface water management permitting programs. Such permitting shall be carried out in a manner consistent with the standards established in the Warren S. Henderson Wetland Protection Act of 1984 and with jurisdiction and authority of the districts as established by Chapter 373, Florida Statutes.

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| 642 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 311,458 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 216,126 |
| | FROM AIR POLLUTION CONTROL TRUST FUND | | 352,924 |
| | FROM COASTAL PROTECTION TRUST FUND | | 153,028 |
| | FROM CONSERVATION AND RECREATION LANDS TRUST FUND | | 750,026 |
| | FROM BEACH MANAGEMENT TRUST FUND | | 88,232 |
| | FROM INLAND PROTECTION TRUST FUND | | 275,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 27,028 |
| | FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND | | 3,028 |
| | FROM INTERNAL IMPROVEMENT TRUST FUND | | 107,901 |
| | FROM MARINE RESOURCES CONSERVATION TRUST FUND | | 343,539 |
| | FROM MARINE FISHERIES COMMISSION TRUST FUND | | 1,246 |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | | 25,296 |
| | FROM MOTORBOAT REVOLVING TRUST FUND | | 5,859 |
| | FROM NON-MANDATORY LAND RECLAMATION TRUST FUND | | 88,000 |
| | FROM OPERATING TRUST FUND | | 674,257 |
| | FROM POLLUTION RECOVERY TRUST FUND | | 28,336 |
| | FROM SAVE THE MANATEE TRUST FUND | | 198,307 |
| | FROM STATE PARK TRUST FUND | | 1,400,524 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | 183,250 |
| | FROM WORKING CAPITAL TRUST FUND | | 88,675 |
| 642A | LUMP SUM | | |
| | INDEPENDENT FISHERIES MONITORING TEAM - CEDAR KEY | | |
| | | POSITIONS | 3 |
| | FROM MARINE RESOURCES CONSERVATION TRUST FUND | | 244,345 |
| 643 | LUMP SUM | | |
| | ENVIRONMENTAL EDUCATION | | |
| | FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND | | 2,000,000 |
| 644 | LUMP SUM | | |
| | IMPLEMENTATION OF NATURAL RESOURCE RESTORATION/ MITIGATION PLAN FROM MAVRO VETRANIC SETTLEMENT FUNDS | | |
| | FROM FLORIDA AREA OF CRITICAL STATE CONCERN RESTORATION TRUST FUND | | 205,225 |
| 645 | SPECIAL CATEGORIES | | |
| | ACQUISITION AND REPLACEMENT OF PATROL VEHICLES | | |
| | FROM MARINE RESOURCES CONSERVATION TRUST FUND | | 1,718,311 |

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| 646 | SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 34,257 | |
| | FROM AIR POLLUTION CONTROL TRUST FUND | | 14,000 |
| | FROM INLAND PROTECTION TRUST FUND | | 100,000 |
| | FROM OPERATING TRUST FUND | | 146,800 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | 12,011 |
| 647 | SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK | | |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | 1,424,027 |
| 648 | SPECIAL CATEGORIES STORAGE TANK COMPLIANCE VERIFICATION | | |
| | FROM INLAND PROTECTION TRUST FUND | | 8,000,000 |
| 649 | SPECIAL CATEGORIES WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT | | |
| | FROM ENVIRONMENTAL LABORATORY TRUST FUND | | 901,526 |
| 650 | SPECIAL CATEGORIES EVERGLADES LAB SUPPORT | | |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | 494,180 |
| 651 | SPECIAL CATEGORIES BOATING RELATED ACTIVITIES | | |
| | FROM MOTORBOAT REVOLVING TRUST FUND | | 875,000 |
| 652 | SPECIAL CATEGORIES DISBURSE DONATIONS | | |
| | FROM STATE PARK TRUST FUND | | 330,000 |
| 652A | SPECIAL CATEGORIES DEMONSTRATION PROJECT FOR RECYCLING MERCURY-CONTAINING DEVICES | | |
| | FROM SOLID WASTE MANAGEMENT TRUST FUND | | 100,000 |
| 653 | SPECIAL CATEGORIES LAKEWATCH PROGRAM/INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS) | | |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | 215,040 |
| 654 | SPECIAL CATEGORIES GULF STATES MARINE FISHERIES | | |
| | FROM GENERAL REVENUE FUND | 22,500 | |
| 655 | SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP | | |
| | FROM WATER QUALITY ASSURANCE TRUST FUND | | 16,185,608 |
| 656 | SPECIAL CATEGORIES HAZARDOUS WASTE SITES RESTORATION | | |
| | FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND | | 2,000,000 |

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656A SPECIAL CATEGORIES
 RECYCLING MARKET DEVELOPMENT
 FROM SOLID WASTE MANAGEMENT TRUST FUND 6,072,000

From funds provided in Specific Appropriation 656A, the department shall use \$425,000 for the purpose of supporting one time capital investments that will create specific new markets for recyclable materials within the State of Florida. The Department of Environmental Protection shall, in consultation with the Recycled Markets Advisory Council, solicit proposals from industry for a project or projects that create a market or markets through capital investment for non-traditional materials being recycled in Florida. Solicitation of proposals shall be concluded by August 31, 1994, and an announcement of the successful proposer shall be made by October 1, 1994.

657 SPECIAL CATEGORIES
 NATIONAL OCEAN SURVEY
 FROM INTERNAL IMPROVEMENT TRUST FUND 56,000

658 SPECIAL CATEGORIES
 NATURAL AREAS INVENTORY
 FROM CONSERVATION AND RECREATION LANDS
 TRUST FUND 891,788

From Specific Appropriation 658, funds shall be made available to contract for security services at the level necessary to insure that the following properties can remain open to the public without sustaining environmental damage: Topsail Hill State Park, River Rise State Preserve, Rainbow Springs State Park, Lake Arbuckle State Park, Catfish Creek, Savannas State Reserve, Seabranck, Curry Hammock, Windley Key State Geological Site, Key Largo Hammocks State Botanical Site.

659 SPECIAL CATEGORIES
 OPERATION AND MAINTENANCE OF PATROL
 VEHICLES
 FROM GENERAL REVENUE FUND 1,294,314
 FROM COASTAL PROTECTION TRUST FUND 455,412
 FROM GRANTS AND DONATIONS TRUST FUND 817,605
 FROM MARINE RESOURCES CONSERVATION TRUST
 FUND 126,550
 FROM MOTORBOAT REVOLVING TRUST FUND 1,690,705

660 SPECIAL CATEGORIES
 TARPON MANAGEMENT
 FROM MARINE FISHERIES COMMISSION TRUST
 FUND 30,000

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| 660A | SPECIAL CATEGORIES OYSTER PLANTING | |
| | FROM GENERAL REVENUE FUND | 350,000 |
| | FROM APALACHICOLA BAY PROTECTION TRUST FUND | 104,400 |
| 661 | SPECIAL CATEGORIES PAYMENTS FOR RESTORATION AND DAMAGE | |
| | FROM COASTAL PROTECTION TRUST FUND | 50,000 |
| 662 | SPECIAL CATEGORIES ABANDONED DRUM REMOVAL AND DISPOSAL | |
| | FROM COASTAL PROTECTION TRUST FUND | 150,000 |
| 663 | SPECIAL CATEGORIES POLLUTION RESTORATION CONTRACTS | |
| | FROM POLLUTION RECOVERY TRUST FUND | 4,500,000 |

Funds in Specific Appropriation 663 are provided to fund environmental restoration and mitigation projects that are specifically required by court orders associated with fines deposited into the Pollution Recovery Trust Fund. For revenues in this trust fund not restricted by court orders, the department shall submit a list of recommendations to the Executive Office of the Governor and the House and Senate Appropriations Committees for environmental restoration and mitigation projects to be funded in the 1995/96 General Appropriations Act. To develop this list of proposed projects, the department shall establish eligibility criteria for projects, solicit proposed projects from local governments and state agencies, and competitively evaluate and rank projects based upon objective standards which shall be available at the time the department solicits project proposals.

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|-----------------|---|--------------------|
| 663A | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS — MOSQUITO RESEARCH | |
| | FROM POLLUTION RECOVERY TRUST FUND | 500,000 |

~~Funds in Specific Appropriation 663A shall be divided equally between the Florida Agricultural and Mechanical University, John Mulreanan Sr. Laboratory and the University of Florida/IFAS, Florida Medical Entomology Laboratory for the purpose of conducting research into mosquito and arthropod control. Up to 20% of these funds may be subcontracted to other qualified research entities. Research projects conducted with these monies shall be directed towards practical mosquito and biting arthropod control to assist local governments providing such control to examine and improve pesticide usage and explore biological controls and other alternatives to pesticide use. Research shall be guided by a seven member research advisory~~

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~~committee appointed by the Commissioner of Agriculture and Consumer Services which shall include representatives of the two laboratories, at least two local mosquito control programs, and the Bureau of Entomology, Department of Agriculture and Consumer Services. For the purpose of contract administration, the Executive Office of the Governor may transfer this appropriation to the Department of Agriculture and Consumer Services.~~

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|-----|---|---------|---------|
| 664 | SPECIAL CATEGORIES | | |
| | PURCHASES FOR RESALE | | |
| | FROM STATE PARK TRUST FUND | | 468,420 |
| 665 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 186,022 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 16,260 |
| | FROM INTERNAL IMPROVEMENT TRUST FUND . . . | | 676 |
| | FROM MARINE RESOURCES CONSERVATION TRUST FUND | | 10,870 |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | | 572 |
| | FROM MOTORBOAT REVOLVING TRUST FUND . . . | | 193,488 |
| | FROM STATE PARK TRUST FUND | | 58,560 |

Funds provided in Specific Appropriation 631, 633, 659, and 665 from the Motorboat Revolving Trust Fund include \$2,972,000 for 77 positions which have been transferred from the Division of Recreation and Parks to the Division of Law Enforcement. These positions shall be reclassified as certified law enforcement positions and, upon complying with minimum certification requirements, shall be responsible for responding to criminal violations of environmental and natural resource laws and the provision of law enforcement services on lands managed by the department. The department shall develop and implement a cost allocation plan which assesses the various trust funds within the department for services provided by these law enforcement positions.

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|-----|--|--|---------|
| 666 | SPECIAL CATEGORIES | | |
| | TOPOGRAPHIC MAPPING | | |
| | FROM INTERNAL IMPROVEMENT TRUST FUND . . . | | 400,000 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND . | | 250,000 |
| 668 | SPECIAL CATEGORIES | | |
| | BASELINE LITTER SURVEY/CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT | | |
| | FROM SOLID WASTE MANAGEMENT TRUST FUND . . | | 200,000 |
| 669 | SPECIAL CATEGORIES | | |
| | U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT | | |
| | FROM OPERATING TRUST FUND | | 78,500 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND . | | 214,897 |

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670 SPECIAL CATEGORIES
 UNDERGROUND STORAGE TANK CLEANUP
 FROM INLAND PROTECTION TRUST FUND 141,387,673

671 SPECIAL CATEGORIES
 WATER WELL CLEANUP
 FROM WATER QUALITY ASSURANCE TRUST FUND . 1,889,202

The Department of Environmental Protection or other administrative agency shall, prior to the distribution of funds in Specific Appropriation 671, require the recipient to release the state and its agencies absolutely from liability as to damage to real and personal property caused by past application or use by the state or its agencies of EDB or the installation, maintenance, and disposal by the state or its agencies of filter systems.

672 SPECIAL CATEGORIES
 GRANTS AND AIDS - PETROLEUM SITE CLEANUP
 FROM INLAND PROTECTION TRUST FUND 1,350,000

673 SPECIAL CATEGORIES
 RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM
 FROM SOLID WASTE MANAGEMENT TRUST FUND . . 7,500,000

674 SPECIAL CATEGORIES
 WATER MANAGEMENT DISTRICT PROPERTY TAXES
 FROM INTERNAL IMPROVEMENT TRUST FUND . . . 50,000

674A SPECIAL CATEGORIES
 TRANSFER TO COASTAL PROTECTION TRUST FUND
 FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,000,000

675 DATA PROCESSING SERVICES
 ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES
 FROM AIR POLLUTION CONTROL TRUST FUND . . . 268,163
 FROM INLAND PROTECTION TRUST FUND 320,032
 FROM OPERATING TRUST FUND 41,324
 FROM WATER QUALITY ASSURANCE TRUST FUND . 1,006,280

676 DATA PROCESSING SERVICES
 NATURAL RESOURCES MANAGEMENT INFORMATION CENTER
 FROM GENERAL REVENUE FUND 657,443
 FROM ADMINISTRATIVE TRUST FUND 3,849
 FROM AQUATIC PLANT CONTROL TRUST FUND . . . 14,475
 FROM INTERNAL IMPROVEMENT TRUST FUND . . . 424,242
 FROM MARINE RESOURCES CONSERVATION TRUST FUND 304,664
 FROM MARINE FISHERIES COMMISSION TRUST FUND 3,718

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| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | | 51,597 |
| | FROM MOTORBOAT REVOLVING TRUST FUND | | 239,696 |
| | FROM NON-MANDATORY LAND RECLAMATION TRUST FUND | | 14,452 |
| | FROM STATE PARK TRUST FUND | | 341,596 |
| 677 | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM AIR POLLUTION CONTROL TRUST FUND | | 100,000 |
| | FROM INLAND PROTECTION TRUST FUND | | 111,700 |
| 678 | DATA PROCESSING SERVICES | | |
| | REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM | | |
| | FROM AIR POLLUTION CONTROL TRUST FUND | | 5,000 |
| | FROM OPERATING TRUST FUND | | 50,000 |
| GAME AND FRESH WATER FISH COMMISSION, FLORIDA | | | |
| OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES | | | |
| 679 | SALARIES AND BENEFITS | POSITIONS | 141 |
| | FROM GENERAL REVENUE FUND | | 789,705 |
| | FROM NON-GAME WILDLIFE TRUST FUND | | 540,842 |
| | FROM STATE GAME TRUST FUND | | 3,909,909 |
| 680 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,500 | |
| | FROM STATE GAME TRUST FUND | | 326,733 |
| 681 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 6,100 | |
| | FROM FISH AND WILDLIFE HABITAT TRUST FUND | | 40,000 |
| | FROM NON-GAME WILDLIFE TRUST FUND | | 408,593 |
| | FROM STATE GAME TRUST FUND | | 1,825,317 |
| 682 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 31,762 | |
| | FROM NON-GAME WILDLIFE TRUST FUND | | 69,541 |
| | FROM STATE GAME TRUST FUND | | 97,746 |
| | FROM WILDLIFE LAW ENFORCEMENT TRUST FUND | | 74,114 |
| 683 | SPECIAL CATEGORIES | | |
| | PAYMENT OF REWARDS | | |
| | FROM ENDANGERED AND THREATENED SPECIES REWARD TRUST FUND | | 5,000 |
| 685 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM STATE GAME TRUST FUND | | 45,898 |

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LAW ENFORCEMENT, DIVISION OF

| | | | | |
|-----|--|-----------|------------|-----------|
| 686 | SALARIES AND BENEFITS | POSITIONS | 437 | |
| | FROM GENERAL REVENUE FUND | | 18,068,171 | |
| | FROM STATE GAME TRUST FUND | | | 879,293 |
| 687 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 15,451 | |
| | FROM STATE GAME TRUST FUND | | | 35,000 |
| 688 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 329,997 | |
| | FROM STATE GAME TRUST FUND | | | 1,262,233 |
| 689 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 19,628 | |
| 690 | SPECIAL CATEGORIES | | | |
| | ACQUISITION AND REPLACEMENT OF PATROL VEHICLES | | | |
| | FROM GENERAL REVENUE FUND | | 139,652 | |
| | FROM STATE GAME TRUST FUND | | | 1,785,889 |
| | FROM WILDLIFE LAW ENFORCEMENT TRUST FUND | | | 71,465 |
| 691 | SPECIAL CATEGORIES | | | |
| | OPERATION AND MAINTENANCE OF PATROL VEHICLES | | | |
| | FROM GENERAL REVENUE FUND | | 6,525 | |
| | FROM STATE GAME TRUST FUND | | | 1,473,112 |
| 692 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | | 241,866 | |
| | FROM STATE GAME TRUST FUND | | | 64,020 |

WILDLIFE, DIVISION OF

| | | | | |
|-----|--|-----------|-----|-----------|
| 693 | SALARIES AND BENEFITS | POSITIONS | 190 | |
| | FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND | | | 413,708 |
| | FROM NON-GAME WILDLIFE TRUST FUND | | | 1,158,853 |
| | FROM STATE GAME TRUST FUND | | | 5,103,719 |
| 694 | OTHER PERSONAL SERVICES | | | |
| | FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND | | | 146,395 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 280,200 |
| | FROM NON-GAME WILDLIFE TRUST FUND | | | 920,218 |
| | FROM STATE GAME TRUST FUND | | | 531,930 |
| 695 | EXPENSES | | | |
| | FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND | | | 221,503 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 29,800 |
| | FROM NON-GAME WILDLIFE TRUST FUND | | | 797,785 |
| | FROM STATE GAME TRUST FUND | | | 2,239,237 |

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GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

| | | | |
|-----|--|-----------|-----------|
| 707 | LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION | | |
| | | POSITIONS | 129 |
| | FROM GENERAL REVENUE FUND | | 7,541,721 |
| | FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND | | 635,589 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 411,929 |
| 708 | LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING | | |
| | | POSITIONS | 98 |
| | FROM GENERAL REVENUE FUND | | 5,416,874 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 407,960 |
| 709 | LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE | | |
| | | POSITIONS | 5 |
| | FROM GENERAL REVENUE FUND | | 362,463 |
| 713 | LUMP SUM LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM | | |
| | | POSITIONS | 28 |
| | FROM PLANNING AND BUDGETING SYSTEM TRUST FUND | | 1,762,627 |
| 714 | SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 4,736,628 |
| 715 | SPECIAL CATEGORIES GRANTS AND AIDS - PROJECT DARE | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 526,292 |
| 716 | SPECIAL CATEGORIES CONTINGENT - DISCRETIONARY | | |
| | FROM GENERAL REVENUE FUND | | 30,000 |
| 719 | DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE | | |
| | FROM PLANNING AND BUDGETING SYSTEM TRUST FUND | | 44,550 |
| 720 | DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES | | |
| | FROM PLANNING AND BUDGETING SYSTEM TRUST FUND | | 124,045 |

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HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

From funds received and surplus balance brought forward as a result of earnings from Title IV-A and Title IV-E, \$13,438,247 shall be allocated to the Administrative Trust Fund for fixed capital outlay appropriations. Further, \$1,061,753 shall be used for nonrecurring expenditures for the FLORIDA system.

The department shall continue all contracts with the Ounce of Prevention Fund of Florida as provided for in 1993-94 and shall transfer, pursuant to Chapter 216, the funding for these contracts to the Deputy Secretary for Health entity. However, nothing in this paragraph shall be construed to change the intended use of these funds.

From the funds in Specific Appropriations 721 through 937, it is estimated that \$9,504,325 is continued from FY 1993-94 to provide 2,504,573 trips to transportation disadvantaged individuals. The department shall provide, by December 31, 1994, information to the statewide Transportation Disadvantaged Commission on the actual number of trips provided in FY 1993-94 to these individuals and actual expenditures. Information shall also be provided for FY 1994-95 on a year-to-date basis after the first, second and third quarters of FY 1994-95. The information shall be reported in such a manner as to clearly distinguish between those trips provided through coordinated systems established pursuant to Part I of Chapter 427, F.S. and those provided through other sources. In compiling and transmitting this information, the department will use standard definitions and a standard format to be developed by the statewide Transportation Disadvantaged Commission.

From the funds provided in Specific Appropriations 721 through 937, the department must develop a method to evaluate each program operated by a provider under contract with the department on an annual basis. As part of this evaluation, the department must establish standards applicable to like services throughout the state. These standards must be measurable and objective and determine if the condition or circumstances that necessitated the service to individuals has been changed substantially or eliminated. If the provider fails to meet the minimum thresholds established in the contract by these standards the department may allow up to six months for the provider to achieve compliance with the minimum thresholds. If these thresholds are not achieved and there are not documented extenuating circumstances, the department

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must cancel the contract for the services. In rebidding the contract or doing sole source contracting, the department may not re-enter a contract with that same provider for the services just cancelled for a period of at least 12 months from the time of cancellation.

By October 1, 1994, the department shall submit to the chairmen of the Senate and House Appropriations Committees, a report which outlines its current indirect cost policy as it relates to existing provider contracts. The report shall include but not be limited to responding to the following:

- o How "indirect cost" is defined within all program areas;
- o How rates are established within program areas and categories within program areas, if applicable;
- o How, if at all, rates vary within and among program areas and providers and any explanation or justification supporting the variance;
- o The identification of the range of indirect cost rate variation by program areas and providers;
- o And any recommendations for establishing a uniform definition of indirect cost.

The report shall address both district and state level program areas. Each contract entered into by the department for Fiscal Year 1994-95 shall include a requirement that the provider disclose the exact amount of contract funding used to compensate each employee or other subcontractor to the provider on an individual basis.

HEALTH AND REHABILITATIVE SERVICES -
ADMINISTRATION

OFFICE OF THE SECRETARY

Since a major reallocation of funds among service districts of the Department of Health and Rehabilitative Services could result in diminution of services to current clients and financial instability of current providers, allocations of funds provided in Specific Appropriations 721 through 937 made by the department to its service districts for fiscal year 1994-95 shall be made in accordance with the allocation methodologies in place as of January 1, 1994.

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|---|--|-----------|------------|-----------|
| 721 | SALARIES AND BENEFITS | POSITIONS | 64 | |
| | FROM GENERAL REVENUE FUND | | 2,312,043 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 604,267 |
| 722 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 40,580 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 25,000 |
| 723 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 739,530 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 458,383 |
| 724 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 23,916 | |
| 725 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 500,000 | |
| OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION | | | | |
| 726 | SALARIES AND BENEFITS | POSITIONS | 308 | |
| | FROM GENERAL REVENUE FUND | | 8,926,007 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 1,908,642 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | | 125,145 |
| 727 | OTHER PERSONAL SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 2,022,000 |
| 728 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 2,145,467 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 597,541 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | | 18,007 |
| 729 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 82,607 | |
| 729A | LUMP SUM | | | |
| | BUILDING RENTAL FOR PRIVATELY OWNED OFFICE SPACE | | | |
| | FROM GENERAL REVENUE FUND | | 10,500,000 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 6,398,212 |
| 730 | LUMP SUM | | | |
| | PRODUCTIVITY ENHANCEMENT | | | |
| | FROM GENERAL REVENUE FUND | | 300,000 | |
| 731 | LUMP SUM | | | |
| | PAY PACKAGE FOR COMMUNITY-BASED CONTRACT PROVIDERS | | | |
| | FROM GENERAL REVENUE FUND | | 3,466,000 | |

Funds in Specific Appropriation 731 shall be used

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to fund rate increases for community-based contract providers.

These funds must be utilized for rate increases for contract providers which receive a lower level of reimbursement when compared to other contract providers that provide comparable services. The intent of this proviso language is to minimize as much as possible any variations in payment rates primarily attributable to the fact that some contract providers with a lower level of reimbursement have not received rate increases in previous years to make their payment rates more comparable to the payment rates of more recent contract providers.

732 LUMP SUM

| | | |
|---|------------|------------|
| FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM | | |
| FROM GENERAL REVENUE FUND | 10,316,532 | |
| FROM ADMINISTRATIVE TRUST FUND | | 10,000,000 |
| FROM DIRECT ASSISTANCE TRUST FUND | | 1,061,753 |

From funds in Specific Appropriation 732, \$8,938,247 from the General Revenue Fund, \$10,000,000 from the Administrative Trust Fund, and \$1,061,753 from the Direct Assistance Trust Fund are provided for modifications and improvements required to be made to the FLORIDA System. No funds shall be released or expended from Specific Appropriation 732 without the Secretary of the Department of Health and Rehabilitative Services certifying that the use of the funds are in accordance with the Approved Planning Document Update (APDU). Prior to the release of these funds, the Department shall submit a work plan detailing the objectives and expected outcomes to be attained during the fiscal year with anticipated completion dates. The plan shall be submitted to the Information Resource Commission, House and Senate Appropriation Committee chairmen, Joint Committee on Information Technology, Joint Legislative Auditing Committee and the Executive Office of the Governor. The Secretary shall submit a quarterly report describing the progress made to date, actual completion dates, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, House and Senate Appropriation Committee chairmen, Information Resource Commission, Joint Legislative Auditing Committee and the Joint Committee on Information Technology.

733 SPECIAL CATEGORIES

| | |
|-------------------------------------|-----------|
| ACQUISITION OF MOTOR VEHICLES | |
| FROM GENERAL REVENUE FUND | 2,000,000 |

Funds provided in Specific Appropriation 733 for

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replacement of motor vehicles must be used to replace those vehicles with mileage as of June 30, 1994 over 100,000 miles and which are used for transportation of clients. These funds must be allocated among programs based on the percentage of client transportation vehicles with mileage over 100,000 miles in each program to the total of all client transportation vehicles with mileage over 100,000 miles in all programs. Funds remaining after replacing all such vehicles exceeding 100,000 may be used to replace any vehicles meeting the Department of Management Services guidelines for replacement as of June 30, 1994 and which are used for client transportation. These funds must be allocated among programs based on the percentage of remaining vehicles meeting the Department of Management Services guidelines in each program to the total of all remaining vehicles meeting the Department of Management Services guidelines.

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| 735 | DATA PROCESSING SERVICES | | | |
| | HEALTH AND REHABILITATIVE SERVICES | | | |
| | TECHNOLOGY CENTER | | | |
| | FROM GENERAL REVENUE FUND | 14,001,235 | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 16,122,475 |
| DEPUTY SECRETARY FOR MANAGEMENT SYSTEMS | | | | |
| 735A | SALARIES AND BENEFITS | POSITIONS | 355 | |
| | FROM WORKING CAPITAL TRUST FUND | | | 13,982,319 |
| 735B | OTHER PERSONAL SERVICES | | | |
| | FROM WORKING CAPITAL TRUST FUND | | | 5,000 |
| 735C | EXPENSES | | | |
| | FROM WORKING CAPITAL TRUST FUND | | | 2,936,718 |
| 735D | OPERATING CAPITAL OUTLAY | | | |
| | FROM WORKING CAPITAL TRUST FUND | | | 75,701 |
| 735E | SPECIAL CATEGORIES | | | |
| | COMPUTER RELATED EXPENSES | | | |
| | FROM WORKING CAPITAL TRUST FUND | | | 45,937,783 |
| DEPUTY SECRETARY FOR HUMAN SERVICES | | | | |
| 736 | SALARIES AND BENEFITS | POSITIONS | 359 | |
| | FROM GENERAL REVENUE FUND | | 7,461,952 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 5,108,998 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 1,498,866 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | | |
| | FUND | | | 123,363 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST | | | |
| | FUND | | | 27,044 |

From the funds in Specific Appropriation 736, the

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department shall examine the issue of price level increases for private contracted service providers and report its findings and recommendations to the Legislature by December 31, 1994. This report shall document the extent to which inequities have arisen between rates earned by recently engaged providers versus long-term providers due to long-term providers being locked into lower rates set several years ago. The department's recommendations shall include alternatives to the current practice of requesting across-the-board price level increases that are tied to an inflationary index. In developing these suggestions the department shall consider rebasing strategies based on the following: rate inequities among providers, programmatic areas or geographic areas; incentives for superior performance and cost effectiveness; market forces which affect the department's ability to procure services at state rates; whether or not a provider was given state funds for purchase of real property, equipment, furnishings and other start-up costs; and, other factors which are deemed appropriate.

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| 737 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 56,361 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 28,132 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 655,403 |
| 738 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,745,037 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,712,503 |
| | FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND | | 50,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 1,711,179 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 72,293 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 54,147 |
| 739 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 9,719 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,959 |
| 740 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 298,300 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 160,500 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 2,466,391 |
| 740A | SPECIAL CATEGORIES | | |
| | PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT | | |
| | FROM GENERAL REVENUE FUND | 1,909,788 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 12,443,542 |
| | FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND | | 4,300,000 |

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| 742 | DATA PROCESSING SERVICES | | |
| | HEALTH AND REHABILITATIVE SERVICES | | |
| | TECHNOLOGY CENTER | | |
| | FROM GENERAL REVENUE FUND | 10,589,364 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 9,475,667 |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL | | |
| | HEALTH TRUST FUND | | 447,179 |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 253,920 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 1,555,671 |

DEPUTY SECRETARY FOR HEALTH

| | | | |
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| 743 | SALARIES AND BENEFITS | POSITIONS | 390 |
| | FROM GENERAL REVENUE FUND | | 6,831,124 |
| | FROM ADMINISTRATIVE TRUST FUND | | 132,156 |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL | | |
| | HEALTH TRUST FUND | | 407,510 |
| | FROM DRUGS, DEVICES AND COSMETIC TRUST | | |
| | FUND | | 3,295 |
| | FROM EMERGENCY MEDICAL SERVICES TRUST | | |
| | FUND | | 283,178 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 6,828,889 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK | | |
| | GRANT TRUST FUND | | 90,102 |
| | FROM PLANNING AND EVALUATION TRUST FUND | | 799,140 |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK | | |
| | GRANT TRUST FUND | | 932,693 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 686,055 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST | | |
| | FUND | | 24,036 |

From the funds in Specific Appropriation 743, the department is directed to develop creative strategies to enhance participation in the state's family planning program in order to significantly assist in breaking the welfare cycle. The department shall develop a process to track and measure each family planning strategy for its long term effectiveness on the individual client's overall economic independence, educational progress, job attainment, and family stability. The department shall provide recommendations to the Legislature by January 1, 1995.

| | | | |
|-----|--|--------|-----------|
| 744 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 73,433 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL | | |
| | HEALTH TRUST FUND | | 41,585 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 1,334,681 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK | | |
| | GRANT TRUST FUND | | 65,000 |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK | | |
| | GRANT TRUST FUND | | 162,079 |

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| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 113,144 |
| 745 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 2,965,445 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 214,063 |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | 262,155 |
| | FROM EMERGENCY MEDICAL SERVICES TRUST FUND | | 19,018 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 9,702,469 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | | 36,676 |
| | FROM PLANNING AND EVALUATION TRUST FUND | | 507,392 |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND | | 710,165 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 197,526 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 10,411 |
| 746 | AID TO LOCAL GOVERNMENTS | | |
| | GRANTS AND AIDS - FLUORIDATION PROJECT | | |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND | | 366,747 |
| 747 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 22,137 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 28,980 |
| | FROM PLANNING AND EVALUATION TRUST FUND | | 969 |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND | | 26,000 |
| 747A | LUMP SUM | | |
| | SINGLE DATA SYSTEM - HARDWARE FOR DISTRICTS AND PROGRAM OFFICE | | |
| | FROM GENERAL REVENUE FUND | 415,000 | |
| 748 | LUMP SUM | | |
| | FLORIDA INFANT SCREENING PROGRAM | | |
| | POSITIONS | 2 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 95,000 |
| 749 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - OUNCE OF PREVENTION | | |
| | FROM GENERAL REVENUE FUND | 975,673 | |
| 750 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 136,989 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 260,000 |
| 751 | SPECIAL CATEGORIES | | |
| | HOSPITAL REIMBURSEMENT | | |
| | FROM GENERAL REVENUE FUND | 483,623 | |

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| 752 | SPECIAL CATEGORIES PURCHASED CLIENT SERVICES FROM GENERAL REVENUE FUND | 169,048 | |
| 753 | DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND | 1,293,376 | 6,909,434 |

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

| | | | |
|-----|---|----|-----------|
| 754 | SALARIES AND BENEFITS POSITIONS FROM ADMINISTRATIVE TRUST FUND | 14 | 551,181 |
| 755 | OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND | | 226,016 |
| 756 | EXPENSES FROM ADMINISTRATIVE TRUST FUND | | 1,752,737 |
| 757 | OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND | | 17,063 |

STATEWIDE SERVICES

STATE AND LOCAL PROGRAMS

| | | | |
|-----|--|------------------|-------------------|
| 758 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | 150 4,634,107 | 244,156 48,722 |
| 759 | EXPENSES FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | 1,611,896 | 81,906 3,326 |
| 760 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 1,133 | |
| 761 | DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER FROM GENERAL REVENUE FUND | 2,289,199 | |

STATEWIDE HEALTH PROGRAMS

| | | | |
|-----|--|------------------|----------------------|
| 762 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM ADMINISTRATIVE TRUST FUND FROM DRUGS, DEVICES AND COSMETIC TRUST FUND | 778 7,484,785 | 1,494,616 653,612 |
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| | FROM EMERGENCY MEDICAL SERVICES TRUST FUND | | 2,587,755 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 1,192,016 |
| | FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND | | 96,023 |
| | FROM PLANNING AND EVALUATION TRUST FUND | | 6,855,656 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 38,652 |
| | FROM RADIATION PROTECTION TRUST FUND | | 4,713,426 |
| 763 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 3,000 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 56,560 |
| | FROM DRUGS, DEVICES AND COSMETIC TRUST FUND | | 6,704 |
| | FROM EMERGENCY MEDICAL SERVICES TRUST FUND | | 159,583 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 182,905 |
| | FROM PLANNING AND EVALUATION TRUST FUND | | 270,871 |
| | FROM RADIATION PROTECTION TRUST FUND | | 22,197 |
| 764 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 2,321,964 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 1,554,512 |
| | FROM DRUGS, DEVICES AND COSMETIC TRUST FUND | | 239,575 |
| | FROM EMERGENCY MEDICAL SERVICES TRUST FUND | | 1,659,128 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 2,193,712 |
| | FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND | | 50,159 |
| | FROM PLANNING AND EVALUATION TRUST FUND | | 7,605,716 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 8,630 |
| | FROM RADIATION RECLAMATION TRUST FUND | | 9,500 |
| | FROM RADIATION PROTECTION TRUST FUND | | 1,587,295 |
| 765 | AID TO LOCAL GOVERNMENTS | | |
| | GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS | | |
| | FROM EMERGENCY MEDICAL SERVICES TRUST FUND | | 4,814,639 |
| 766 | AID TO LOCAL GOVERNMENTS | | |
| | GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS | | |
| | FROM EMERGENCY MEDICAL SERVICES TRUST FUND | | 4,850,920 |
| 767 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 317,014 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 186,302 |
| | FROM EMERGENCY MEDICAL SERVICES TRUST FUND | | 39,550 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 4,000 |
| | FROM PLANNING AND EVALUATION TRUST FUND | | 1,053,333 |
| | FROM RADIATION PROTECTION TRUST FUND | | 284,169 |

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768 SPECIAL CATEGORIES
 AREA HEALTH EDUCATION CENTERS
 FROM GENERAL REVENUE FUND 6,490,000

Funds in Specific Appropriation 768, represent an increase of \$1,800,000 of which \$1,240,000 is provided to replace lost federal funds in the amount of \$770,000 to the University of Miami and \$470,000 to the Nova Southeastern University. An additional \$310,000 is provided to the University of Florida and \$250,000 to the University of South Florida to expand the existing Networks.

769 SPECIAL CATEGORIES
 GRANTS AND AIDS - TRAUMA CARE
 FROM EMERGENCY MEDICAL SERVICES TRUST
 FUND 93,747

770 SPECIAL CATEGORIES
 GRANTS AND AID - NURSING STUDENT LOAN
 REIMBURSEMENT/ SCHOLARSHIPS
 FROM NURSING STUDENT LOAN FORGIVENESS
 TRUST FUND 686,656

771 SPECIAL CATEGORIES
 GRANTS AND AIDS - MEDICAL EDUCATION
 FROM GENERAL REVENUE FUND 1,842,000

771A SPECIAL CATEGORIES
 STATE UNDERGROUND PETROLEUM ENVIRONMENTAL
 RESPONSE (SUPER) ACT REIMBURSEMENT
 FROM ADMINISTRATIVE TRUST FUND 20,000

772 DATA PROCESSING SERVICES
 ADMINISTRATIVE MANAGEMENT INFORMATION
 CENTER - DEPARTMENT OF MANAGEMENT SERVICES
 FROM EMERGENCY MEDICAL SERVICES TRUST
 FUND 5,093

DISTRICT SERVICES

DISTRICT ADMINISTRATION

773 SALARIES AND BENEFITS POSITIONS 1,527
 FROM GENERAL REVENUE FUND 31,419,991
 FROM ADMINISTRATIVE TRUST FUND 19,420,815
 FROM OPERATIONS AND MAINTENANCE TRUST
 FUND 822,120
 FROM PUBLIC MEDICAL ASSISTANCE TRUST
 FUND 294,632

774 OTHER PERSONAL SERVICES
 FROM ADMINISTRATIVE TRUST FUND 541,730

775 EXPENSES
 FROM GENERAL REVENUE FUND 7,823,216

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| | FROM ADMINISTRATIVE TRUST FUND | | 2,726,824 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 120,428 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 47,277 |
| 776 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 106,187 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 167,171 |
| 777 | SPECIAL CATEGORIES | | |
| | CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 45,322 | |
| 778 | SPECIAL CATEGORIES | | |
| | FINGERPRINTING FOR DAY CARE EMPLOYEES | | |
| | FROM GENERAL REVENUE FUND | 176,085 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 1,512,155 |
| 779 | SPECIAL CATEGORIES | | |
| | CONTINUITY OF CARE MANAGEMENT SYSTEM | | |
| | FROM GENERAL REVENUE FUND | 800,000 | |
| AGING AND ADULT SERVICES | | | |
| 780 | SALARIES AND BENEFITS POSITIONS | 824 | |
| | FROM GENERAL REVENUE FUND | 17,714,976 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,314,835 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 4,789,900 |
| 781 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 138,351 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 415,054 |
| 782 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 3,741,510 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 272,695 |
| | FROM FEDERAL GRANTS TRUST FUND | | 45,514 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 534,417 |
| 783 | SPECIAL CATEGORIES | | |
| | HOME CARE FOR THE ELDERLY | | |
| | FROM GENERAL REVENUE FUND | 11,491,171 | |
| 784 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS | | |
| | FROM GENERAL REVENUE FUND | 3,426,261 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 439,076 |

From the funds in Specific Appropriation 784, \$254,300 is provided for a Community Care for Disabled Adults demonstration project in District 5.

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| 784A | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 273,000 | |
| | From the funds in Specific Appropriation 784A, \$273,000 is provided for a Geriatric Mobile Crisis Response Team in District 5. | | |
| 786 | SPECIAL CATEGORIES | | |
| | ADULT CONGREGATE LIVING FACILITY STAFF TRAINING | | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 107,030 |
| 787 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - DISPLACED HOMEMAKERS | | |
| | FROM DISPLACED HOMEMAKER TRUST FUND | | 1,418,523 |
| 788 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM | | |
| | FROM FEDERAL GRANTS TRUST FUND | 625,000 | |
| | FROM MARRIAGE LICENSE FEES TRUST FUND | | 5,410,560 |

The funds in Specific Appropriation 788 contain a non-recurring appropriation of \$1,400,000 from the Marriage License Fees Trust Fund, of which \$150,000 is provided for a domestic violence program in Hernando County. These funds will only be available for FY 1994-95 and shall be used for non-recurring expenses incurred by local Domestic Violence programs.

| | | | |
|-----|--|-----------|-----------|
| 789 | SPECIAL CATEGORIES | | |
| | HOME AND COMMUNITY BASED SERVICES WAIVER | | |
| | FROM GENERAL REVENUE FUND | 1,599,581 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 3,045,952 |
| 790 | SPECIAL CATEGORIES | | |
| | TEMPORARY EMERGENCY SHELTER SERVICES | | |
| | FROM GENERAL REVENUE FUND | 212,908 | |

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

Unless otherwise specified by the Legislature, funds in Specific Appropriations 796 and 798 are to be used to provide community-based mental health services as described in Chapter 394.675, F.S., and funds in Specific Appropriations 795 and 800 are to be used to provide substance abuse services, assessments and ancillary services as described in Chapter 397.311, F.S. Unless specifically provided otherwise by the Legislature, these service funds shall not be used for other purposes. Pursuant to applicable provisions of Chapter 216, Florida

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Statutes, funds from these categories may be transferred to appropriate categories if necessary to continue contractual and other obligations extending past June 30, 1994.

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| 791 | SALARIES AND BENEFITS | POSITIONS | 105 | |
| | FROM GENERAL REVENUE FUND | | 3,398,160 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | | 349,425 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 518,777 |
| 792 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 136,823 | |
| 793 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 811,627 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | | 145,022 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 28,401 |
| 794 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 10,424 | |

From the funds in Specific Appropriations 795 through 805 the department may not make payments to a private provider for alcohol, drug abuse, and mental health services unless standard client demographic and service information required for the department's Interim Data System is submitted to the department by the provider within 60 days after the due date specified in the provider contract. The Interim Data System requirements for client demographic and service information are those data elements that are included in the department's Single Data System software for alcohol, drug abuse, and mental health services.

The department must ensure, to the extent possible, that funds expended from Specific Appropriations 795 through 805 for alcohol, drug abuse, and mental health services are used to pay for services to individuals only to the extent that the costs of services for those individuals are not covered by other sources of revenue received by the provider. This shall not be construed to require providers to implement new accounting systems or other data systems if additional funds are required to do so.

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| 795 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 18,777,590 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | | 11,617,122 |

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| | FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND | | 9,601,937 |
| 796 | SPECIAL CATEGORIES GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES | | |
| | FROM GENERAL REVENUE FUND | 13,744,705 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | 4,764,872 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 1,404,394 |
| | FROM SERVICES TRUST FUND | | 1,126,214 |
| 797 | SPECIAL CATEGORIES THERAPEUTIC SERVICES FOR CHILDREN | | |
| | FROM GENERAL REVENUE FUND | 6,250,000 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 7,806,932 |
| 798 | SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES | | |
| | FROM GENERAL REVENUE FUND | 103,878,198 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | 11,831,328 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 1,490,542 |

When allocating funds from Specific Appropriation 798 to service districts, the department shall reserve sufficient general revenue to cover the transfer required by the proviso language following Specific Appropriation 34 in the Agency for Health Care Administration. The department shall determine the appropriate amount to reserve based on the most recent projection of the Social Services Estimating Conference.

If the Mental Health Targeted Case Management program funded in Specific Appropriation 34 results in state match requirements exceeding \$3,146,445, the Department of Health and Rehabilitative Services shall transfer general revenue as necessary from Specific Appropriation 798. The Department of Health and Rehabilitative 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 10E-15.

From the funds in Specific Appropriation 798, \$7,000,000 is provided to enhance adult community mental health services in the South Florida State Hospital catchment area.

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| 799 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - BAKER ACT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 50,481,579 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 162,837 |
| 800 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES | | |
| | FROM GENERAL REVENUE FUND | 31,109,256 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | 38,170,196 |
| | FROM ALCOHOLISM RESOURCE LICENSING TRUST FUND | | 20,880 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 5,643,977 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 297,300 |

From the funds in Specific Appropriation 800, \$185,035 is provided for the Women's Intervention Services and Education program in District 1.

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| 801 | SPECIAL CATEGORIES | | |
| | PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN | | |
| | FROM GENERAL REVENUE FUND | 10,000,000 | |

Funds in Specific Appropriation 801 are for fees for services rendered to children who are victims of abuse. These funds may not be advanced or otherwise obligated in advance. Priority consideration for the use of these funds are to provide services not otherwise available to children who are either in state supported residential placements or children who are living at home but are determined to need services to avoid such placements. These funds may also be used to serve the treatment needs of immediate family and household members as well, provided that the services are not available through other sources and are determined necessary to prevent the out of home placement of the child. The provision of services funded from Specific Appropriation 801 shall be coordinated between the Alcohol, Drug Abuse and Mental Health and Children and Families programs.

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| 802 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 3,204,587 | |

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| 803 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH | | |
| | FROM GENERAL REVENUE FUND | 23,465,742 | |

From the funds provided in Specific Appropriation

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803, \$3,000,000 From the General Revenue Fund is provided to cover the cost of residential treatment for children currently in mental health treatment placements whose cost of care has been previously paid for in whole or in part from Residential Group Care appropriations in the Children and Families budget entity.

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| 804 | SPECIAL CATEGORIES | | |
| | PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM | | |
| | FROM GENERAL REVENUE FUND | 951,564 | |
| | FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND | | 61,440 |
| 805 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 6,225,915 | |
| CHILDREN AND FAMILY SERVICES | | | |
| 806 | SALARIES AND BENEFITS | POSITIONS | 4,499 |
| | FROM GENERAL REVENUE FUND | 42,561,647 | |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 28,175,436 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 179,813 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 5,738,470 |
| | FROM SERVICES TRUST FUND | | 5,459,638 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 45,146,679 |
| 807 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 87,725 | |
| | FROM CHILD WELFARE TRAINING TRUST FUND | | 5,727 |
| | FROM JUVENILE JUSTICE TRAINING TRUST FUND | | 11,712 |
| | FROM SERVICES TRUST FUND | | 20,000 |
| 808 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 24,300,619 | |
| | FROM CHILD WELFARE TRAINING TRUST FUND | | 873,507 |
| | FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND | | 332,137 |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 829,554 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 139,301 |
| | FROM JUVENILE JUSTICE TRAINING TRUST FUND | | 685,913 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 1,000,000 |
| | FROM SERVICES TRUST FUND | | 1,484,647 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 4,190,355 |
| 809 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 115,290 | |

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| 810 | LUMP SUM | | |
| | FAMILY INFORMATION LINKAGE TO INTEGRATE | | |
| | ENABLING SERVICES (FAMILIES) | | |
| | | POSITIONS | 26 |
| | FROM GENERAL REVENUE FUND | | 1,250,000 |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 3,750,000 |

From funds in Specific Appropriation 810, \$1,250,000 from the General Revenue Fund and \$3,750,000 from the Direct Assistance Trust Fund are provided for the child welfare system, known as the FAMILIES system. Prior to the release of these funds, the Department must submit a work plan detailing the objectives and expected outcomes to be attained with anticipated completion dates. The plan must be submitted for review and approval by the Information Technology Resource Procurement Advisory Council in consultation with the Joint Committee on Information Technology. Upon approval, the Department is authorized to request the Executive Office of the Governor to release the funds. The Department must submit a quarterly report describing the progress made to date, actual completion dates, anticipated problems and recommended changes to the plan. The report must be submitted to the Executive Office of the Governor, House and Senate Appropriations Committee chairmen, Information Resource Commission, Joint Legislative Auditing Committee and the Joint Committee on Information Technology.

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| 810A | LUMP SUM | | |
| | IMPROVEMENTS FOR FOSTER CARE, EMERGENCY | | |
| | SHELTER AND GROUP CARE PROVIDERS | | |
| | FROM GENERAL REVENUE FUND | | 1,732,800 |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 280,688 |

Of the funds in Specific Appropriation 810A, \$900,000 from the General Revenue Fund is provided for a rate increase for providers for 12 months; and the remainder of the funds is provided for workload increases and program improvements.

The Department should consider rate adjustments for those group care providers which receive a lower level of reimbursement when compared to other contract providers that provide comparable services.

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| 810B | LUMP SUM | | |
| | CHILD WELFARE SERVICES | | |
| | | POSITIONS | 150 |
| | FROM GENERAL REVENUE FUND | | 6,780,410 |
| | FROM OPERATIONS AND MAINTENANCE TRUST | | |
| | FUND | | 2,219,590 |

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| 811 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CHILD ABUSE PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 3,061,835 | |
| 812 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CHILD DAY CARE | | |
| | FROM GENERAL REVENUE FUND | 54,856,959 | |
| | FROM CHILD CARE AND DEVELOPMENT BLOCK | | |
| | GRANT TRUST FUND | | 37,339,063 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 49,857,357 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST | | |
| | FUND | | 41,870,674 |

Funds in Specific Appropriation 812 shall require an eight percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding which provides federally entitled child care.

Of the funds provided in Specific Appropriation 812, \$3,699,928 from the General Revenue Fund and \$4,481,932 from the Grants and Donations Trust Fund must be used solely for day care services for AFDC clients participating in the welfare reform projects known as the Family Transition Program authorized by Chapter 93-136, Laws of Florida. Furthermore, child day care services for these clients specifically required due to the Family Transition Program projects may not exceed these amounts unless additional funds are transferred to this appropriation category by the department pursuant to the requirements of Chapter 216, Florida Statutes. Any and all funds transferred specifically for services for these clients must come from sources that were also provided specifically for the Family Transition Program projects, and must also be used solely for these clients after transfer to the Child Day Care category.

From the funds in Specific Appropriation 812, \$10,000,000 from the General Revenue Fund and \$8,326,642 from the Grants and Donations Trust Fund is provided for increased child day care services. Of these amounts, \$6,500,000 from the General Revenue Fund and all of the trust funds are provided for child day care services for AFDC entitled clients.

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| 813 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CHILD ABUSE/DAY CARE | | |
| | TRAINING | | |
| | FROM GENERAL REVENUE FUND | 856,033 | |

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| | FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND | | 218,944 |
| 814 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 25,037,044 | |
| | FROM CHILD WELFARE TRAINING TRUST FUND | | 4,796,723 |
| | FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND | | 7,213,598 |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 1,816,341 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 6,135,865 |
| | FROM JUVENILE JUSTICE TRAINING TRUST FUND | | 2,190,645 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 4,683,197 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 39,462 |

Of the funds in Specific Appropriation 814, \$78,387 from the General Revenue Fund is provided for the Junior League Family Visitation Center in Duval County for families to visit their children who have been removed from the home due to abuse or neglect.

Of the funds in Specific Appropriation 814, \$105,172 from the General Revenue Fund is provided for the Foster Care Citizen Review Board in District 4.

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| 817 | SPECIAL CATEGORIES | | |
| | HOUSEKEEPER SERVICES FOR CHILDREN | | |
| | FROM GENERAL REVENUE FUND | 159,242 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 159,243 |

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| 818 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING | | |
| | FROM GENERAL REVENUE FUND | 1,407,396 | |
| | FROM DEPENDENCY CHILD SUPPORT TRUST FUND | | 279,972 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 2,330,000 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 635,636 |

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| 819 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - LOCAL SERVICES PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 628,306 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 6,559,028 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 63,564 |

From the funds in Specific Appropriation 819, \$628,306 from the General Revenue Fund shall require a 25 percent match from local sources. In-kind match is allowable provided there is no reduction in the

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number of slots or level of services due to provision of in-kind match.

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| 820 | SPECIAL CATEGORIES MAINTENANCE ADOPTION SUBSIDY | | |
| | FROM GENERAL REVENUE FUND | 6,781,546 | |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 17,896,019 |
| 821 | SPECIAL CATEGORIES MEDICAL COST OF SUBSIDIZED ADOPTIONS | | |
| | FROM GENERAL REVENUE FUND | 748,758 | |
| 822 | SPECIAL CATEGORIES PURCHASE OF ADOPTION SERVICES | | |
| | FROM GENERAL REVENUE FUND | 97,537 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 157,524 |
| | FROM SERVICES TRUST FUND | | 41,712 |
| 823A | SPECIAL CATEGORIES OUT OF HOME CARE | | |
| | FROM GENERAL REVENUE FUND | 37,525,896 | |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 27,725,599 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 1,841,105 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 6,040,004 |
| | FROM SERVICES TRUST FUND | | 2,799,169 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 5,297,276 |

No more than \$1,300,000 of the funds from Specific Appropriation 823A may be used to pay for residential mental health treatment placements which are generally funded through the Purchased Residential Treatment Services appropriation in the Alcohol, Drug Abuse, and Mental Health Services budget entity.

Funds in Specific Appropriation 823A may be used to meet the needs of children in their own homes or those of relatives if the children can be safely served in their own homes, or the homes of relatives, and the expenditure of funds in this manner is calculated by the department to be a cost savings over shelter placement. The flexible expenditure of funds in this category is allowable only if such expenditures do not result in a budget deficit.

DEVELOPMENTAL SERVICES

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| 824 | SALARIES AND BENEFITS | POSITIONS | 507 |
| | FROM GENERAL REVENUE FUND | | 13,080,612 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 42,000 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 1,093,497 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 1,569,875 |

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| 825 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 13,804 | |
| 826 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 2,622,468 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 932,431 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 48,229 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 268,099 |
| 827 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 158,906 | |
| 828 | SPECIAL CATEGORIES | | |
| | GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS | | |
| | FROM GENERAL REVENUE FUND | 28,472,520 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 572,656 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 13,351,111 |

Specific Appropriation 828, entitled G/A Individual and Family Supports, is created for the purpose of providing community based support services for individuals and their families which are not allowed to be billed under the Home and Community Based Waiver program for persons with developmental disabilities. The G/A Individual and Family Support category contains funds transferred from the following categories: G/A Developmental Disabilities Purchased Client Services - \$2,743,484 from recurring General Revenue and \$279,671 from Operations and Maintenance Trust Funds; G/A Community Residential Training - \$18,916,761 from recurring General Revenue, \$2,819,964 from Operations and Maintenance Trust Funds and \$6,720,740 from the Social Services Block Grant; and, G/A Independent Family Living - \$13,565,405 from recurring General Revenue and \$6,630,371 from the Social Services Block Grant. Subsequent to the transfer of these funds, \$2,526,979 of unfunded Operations and Maintenance Trust Funds has been eliminated. These funds shall be used to continue current level of services to those persons previously served under the above referenced categories. No person currently receiving services from these categories shall have those services terminated as a result of the consolidation.

From funds in Specific Appropriation 828, \$72,000 in recurring General Revenue is provided for community based supports for eighteen beds transferred from the Six Bed Intermediate Care Facility for the Developmentally Disabled program,

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effective July 1, 1994. These funds are contingent upon approval by the federal government of additional waiver slots.

Funds in Specific Appropriation 828 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.

Specific Appropriation 828 contains \$326,840 from recurring general revenue for the Extended Employment program for the Developmentally Disabled.

829 SPECIAL CATEGORIES

GRANT AND AID ROOM AND BOARD PAYMENTS

FROM GENERAL REVENUE FUND 9,747,106

FROM OPERATIONS AND MAINTENANCE TRUST 5,354,933

FUND

Specific Appropriation 829, G/A Room and Board Payments, is created for the purpose of providing community residential room and board payments based on rates established by the Developmental Services program. The G/A Room and Board Payments category contains funds transferred from the following categories: G/A Community Residential Training - \$10,250,173 from recurring General Revenue and \$5,354,933 from the Operations and Maintenance Trust Fund; G/A Developmental Disabilities Purchased Client Services - \$229,579 from recurring General Revenue. These funds shall be used to continue current level of services to those persons previously served under the above referenced categories. No person currently receiving services from these categories shall have those services terminated as a result of the consolidation.

From funds in Specific Appropriation 829, \$64,800 from recurring General Revenue is provided for room and board payments for eighteen beds transferred from the Six Bed Intermediate Care Facility for the Developmentally Disabled program. These funds are contingent upon approval from the federal government of additional waiver slots.

Funds from Specific Appropriation 829 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.

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| 830 | SPECIAL CATEGORIES CONTRACTED CASEWORK SERVICES FROM GENERAL REVENUE FUND | 449,508 | |
| 831 | SPECIAL CATEGORIES GRANT AND AID COMMUNITY DEVELOPMENT SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND | 577,687 | 1,926,749 30,799 |
| 832 | SPECIAL CATEGORIES HOME AND COMMUNITY BASED SERVICES WAIVER FROM GENERAL REVENUE FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND | 43,981,857 | 55,558,257 |
| <p>From the funds in Specific Appropriation 832, \$3,000,000 from recurring General Revenue and \$3,843,066 from the Operations and Maintenance Trust Fund are provided to support additional persons under the Home and Community Based Services Waiver program. These funds are contingent upon approval from the Federal government of additional waiver slots.</p> <p>From funds in Specific Appropriation 832, \$243,000 from recurring General Revenue and \$311,292 from the Operations and Maintenance Trust Fund are provided for Home and Community Based Waiver support services for eighteen beds transferred from the Six Bed Intermediate Care Facility for the Developmentally Disabled program. These funds are contingent upon approval from the Federal government of additional waiver slots.</p> | | | |
| 832A | SPECIAL CATEGORIES PURCHASED CLIENT SERVICES-SPINA BIFIDA FROM GENERAL REVENUE FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND | 422,985 | 33,076 |
| <p>Funds in Specific Appropriation 832A are provided for incidental, nonmedical expenditures incurred by persons with spina bifida.</p> | | | |
| 833 | SPECIAL CATEGORIES PURCHASED CLUSTER SERVICES FROM GENERAL REVENUE FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND | 20,765,759 | 26,601,393 |

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| 834 | SPECIAL CATEGORIES | | |
| | INTERMEDIATE CARE FACILITIES FOR THE | | |
| | DEVELOPMENTALLY DISABLED | | |
| | FROM GENERAL REVENUE FUND | 33,819,323 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST | | |
| | FUND | | 43,323,290 |
| 835 | SPECIAL CATEGORIES | | |
| | SIX-BED INTERMEDIATE CARE FACILITIES FOR | | |
| | THE DEVELOPMENTALLY DISABLED | | |
| | FROM GENERAL REVENUE FUND | 8,270,668 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST | | |
| | FUND | | 10,594,907 |
| 836 | SPECIAL CATEGORIES | | |
| | START-UP FUNDS/GROUP HOMES | | |
| | FROM GENERAL REVENUE FUND | 72,960 | |
| | FROM INTERMEDIATE CARE | | |
| | FACILITIES/MENTALLY RETARDED/GROUP | | |
| | LIVING HOME REVOLVING TRUST FUND | | 72,960 |
| 837 | SPECIAL CATEGORIES | | |
| | COMMUNITY SUPPORTED LIVING WAIVER | | |
| | FROM GENERAL REVENUE FUND | 2,601,947 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST | | |
| | FUND | | 3,333,150 |
| HEALTH SERVICES | | | |
| 838 | SALARIES AND BENEFITS | POSITIONS | 257 |
| | FROM GENERAL REVENUE FUND | | 5,700,102 |
| | FROM COUNTY HEALTH UNIT TRUST FUND | | 269,446,985 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 4,104,661 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK | | |
| | GRANT TRUST FUND | | 16,485 |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK | | |
| | GRANT TRUST FUND | | 102,012 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST | | |
| | FUND | | 351,310 |
| 839 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 10,081 | |
| | FROM COUNTY HEALTH UNIT TRUST FUND | | 25,685,692 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 300,000 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK | | |
| | GRANT TRUST FUND | | 37,074 |
| 840 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 4,883,307 | |
| | FROM COUNTY HEALTH UNIT TRUST FUND | | 69,032,588 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 2,292,428 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK | | |
| | GRANT TRUST FUND | | 1,224,760 |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK | | |
| | GRANT TRUST FUND | | 77,364 |

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| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 58,808 |
| 841 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 5,826,257 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 4,790,535 |
| 842 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - AIDS PATIENT CARE | | |
| | FROM GENERAL REVENUE FUND | 6,393,792 | |
| | FROM COUNTY HEALTH UNIT TRUST FUND | | 3,093,879 |
| 843 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS | | |
| | FROM GENERAL REVENUE FUND | 9,622,932 | |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND | | 500,000 |
| <p>Funds in Specific Appropriation 843 shall be distributed to those state AIDS Networks funded in 1993-94. Each network shall receive at least the amount provided in 1993-94. The \$1,750,000 increase from general revenue shall be distributed to these networks based upon the department's AIDS need projection developed in 1993-94.</p> <p>The Public Health Trust, Jackson Memorial Hospital, shall continue to be the administrative agency for the South Florida AIDS Network.</p> | | | |
| 844 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES | | |
| | FROM COUNTY HEALTH UNIT TRUST FUND | | 14,533,960 |
| 845 | AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS | | |
| | FROM GENERAL REVENUE FUND | 110,163,103 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 7,460,454 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | | 68,537 |
| | FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND | | 750,000 |
| 846 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM | | |
| | FROM COUNTY HEALTH UNIT TRUST FUND | | 6,548,687 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 28,527,692 |

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| 847 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY HOSPICE FROM GENERAL REVENUE FUND | 1,303,400 | |
| 848 | AID TO LOCAL GOVERNMENTS IMPROVED PREGNANCY OUTCOME PROGRAM FROM GENERAL REVENUE FUND FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | 21,546,759 | 3,556,753 |
| <p>From funds in Specific Appropriation 848 up to \$40,000 may be used by the Department for department expenses associated with the Access to Breast Feeding for Public Sector Employees Demonstration project in Dade County contingent upon CS/SB 1668 or similar legislation becoming law.</p> | | | |
| 849 | AID TO LOCAL GOVERNMENTS MATERNAL AND CHILD HEALTH SERVICES FROM GENERAL REVENUE FUND FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | 954,383 | 6,587,597 |
| 850 | AID TO LOCAL GOVERNMENTS SCHOOL HEALTH SERVICES FROM GENERAL REVENUE FUND | 16,521,881 | |
| 851 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM COUNTY HEALTH UNIT TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND | 43,830 | 6,479,450 360,000 |
| 851A | LUMP SUM ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS FROM GENERAL REVENUE FUND | 1,750,000 | |
| 852 | SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND | 998,812 | 3,186,850 |

Of the funds in Specific Appropriation 852, \$300,000 is provided to fund the Isabel Collier Read Health Park in Immokalee.

When allocating funds from Specific Appropriation 852, the Department shall provide \$500,000 for Methadone Treatment for HIV positive individuals for the South Florida Substance Abuse program in Broward County, Florida.

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|-----|--|------------|-------------|
| 853 | SPECIAL CATEGORIES GRANTS AND AIDS - EPILEPSY SERVICES FROM GENERAL REVENUE FUND | 1,797,783 | |
| 854 | SPECIAL CATEGORIES GRANTS AND AIDS - HEALTHY START COALITIONS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND | 2,950,000 | 2,686,374 |
| 855 | SPECIAL CATEGORIES GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE COVERAGE DEMONSTRATION FROM GENERAL REVENUE FUND | 324,191 | |
| 856 | SPECIAL CATEGORIES DRUGS, VACCINES AND OTHER BIOLOGICALS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND | 16,450,335 | 8,212,016 |
| 857 | SPECIAL CATEGORIES GRANTS AND AIDS - RURAL HEALTH FROM GENERAL REVENUE FUND | 344,371 | |
| 858 | SPECIAL CATEGORIES HEALTH EDUCATION RISK REDUCTION PROJECT FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND | | 576,183 |
| 859 | SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM FROM GENERAL REVENUE FUND | 598,335 | |
| 860 | SPECIAL CATEGORIES GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES FROM EPILEPSY SERVICES TRUST FUND | | 1,340,000 |
| 861 | SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL SERVICES PROGRAM FROM GENERAL REVENUE FUND | 1,000,000 | |
| 862 | SPECIAL CATEGORIES REGIONAL DIABETES CENTERS FROM GENERAL REVENUE FUND | 1,053,906 | |
| 863 | SPECIAL CATEGORIES WOMEN, INFANTS AND CHILDREN (WIC) FROM GRANTS AND DONATIONS TRUST FUND | | 191,852,047 |
| 864 | SPECIAL CATEGORIES STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT FROM GRANTS AND DONATIONS TRUST FUND | | 414,775 |

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CHILDREN'S MEDICAL SERVICES

Of the funds provided in Specific Appropriations 865, 866, 867, and 868, \$1,000,000 in general revenue funds is provided for the department to expand the Medical Foster Care Program for medically fragile children. Implementation of the expansion shall be done such that there is no annualization expected for next fiscal year.

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|---|---|-----------|------------|-----------|
| 865 | SALARIES AND BENEFITS | POSITIONS | 627 | |
| | FROM GENERAL REVENUE FUND | | 11,718,590 | |
| | FROM DONATIONS TRUST FUND | | | 5,604,180 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 752,363 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | | | 802,142 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | | 2,123,126 |
| 866 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 354,237 | |
| | FROM DONATIONS TRUST FUND | | | 326,174 |
| 867 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,723,386 | |
| | FROM DONATIONS TRUST FUND | | | 4,687,824 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 290,584 |
| | FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | | | 164,747 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | | 798,520 |
| 868 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 75,925 | |
| 868A | LUMP SUM | | | |
| | CHILDREN'S MEDICAL SERVICES (CMS) MANAGED HEALTH CARE | | | |
| | | POSITIONS | 40 | |
| | FROM GENERAL REVENUE FUND | | 1,000,000 | |
| | FROM DONATIONS TRUST FUND | | | 1,000,000 |
| 868B | LUMP SUM | | | |
| | SICKLE CELL TRAIT COUNSELING AND TRACKING | | | |
| | | POSITIONS | 4 | |
| | FROM GENERAL REVENUE FUND | | 100,000 | |
| Funds in Specific Appropriation 868B are provided for sickle cell projects for HRS Districts 5 and 6. | | | | |
| 868C | SPECIAL CATEGORIES | | | |
| | CATASTROPHIC MEDICAL SERVICES | | | |
| | FROM DONATIONS TRUST FUND | | | 2,000,000 |
| Funds in Specific Appropriation 868C, are to be used for catastrophic services to CMS sponsored | | | | |

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children whose medical expenses exceed \$25,000.

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| 868D | SPECIAL CATEGORIES | | |
| | CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 198,196 | |

Funds in Specific Appropriation 868D shall be distributed as follows: CMS will provide, by contract, full-time coordinators of CMS sponsored craniofacial centers at Gainesville, Tampa-St. Petersburg and Miami; half-time coordinators at CMS sponsored cleft palate clinics in Brevard and Lee Counties; and a contract for \$50,000 with the not-for-profit Florida Cleft Palate-Craniofacial Association for provision of family support services, outreach programs, infant feeding education and camperships.

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|------|-------------------------------------|-----------|---------|
| 868E | SPECIAL CATEGORIES | | |
| | REGIONAL GENETICS PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 1,156,728 | |
| | FROM DONATIONS TRUST FUND | | 194,926 |

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|------|-------------------------------------|---------|--|
| 868F | SPECIAL CATEGORIES | | |
| | SICKLE CELL EDUCATION AND SCREENING | | |
| | FROM GENERAL REVENUE FUND | 525,751 | |

From funds in Specific Appropriation 868F, an additional \$75,000 shall be contracted with the University Medical Center/Jacksonville to enhance the CMS Sickle Cell program.

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|-----|--|-----------|--|
| 869 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN | | |
| | FROM GENERAL REVENUE FUND | 8,381,096 | |

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|-----|---|-----------|-----------|
| 870 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - PRIMARY CARE PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 3,894,945 | |
| | FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | | 1,890,861 |

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|-----|---|-----------|---------|
| 871 | SPECIAL CATEGORIES | | |
| | CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 5,037,028 | |
| | FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | | 901,638 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 97,943 |

From funds in Specific Appropriation 871, \$500,000 shall be contracted with appropriate agencies to provide comprehensive medical and associated support

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services to children with HIV/AIDS in Districts I, II, III, IV, and XIII, as part of the CMS State-wide program; and \$175,000 shall be contracted with the University of Florida to establish a pediatric liver transplant program.

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| 872A | SPECIAL CATEGORIES MASTER CONTRACTS FROM GENERAL REVENUE FUND | 6,422,000 | |
| 872B | SPECIAL CATEGORIES GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN FROM GENERAL REVENUE FUND | 602,673 | |
| 872C | SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM FOR CHILDREN FROM GENERAL REVENUE FUND | 880,865 | |
| 873 | SPECIAL CATEGORIES PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS FROM GENERAL REVENUE FUND | 8,009,420 | |
| | | | 2,215,009 |
| | FROM DONATIONS TRUST FUND | | |
| | FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND | | 5,075,593 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 1,591,271 |
| 873A | SPECIAL CATEGORIES POISON CONTROL CENTER FROM GENERAL REVENUE FUND | 2,760,638 | |

Additional funds in Specific Appropriation 873A shall be distributed as follows: \$210,000 to the Miami Center, \$90,000 to the Jacksonville Center, to include \$150,000 for a statewide data system, and \$100,000 to the Tampa Center.

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| 873B | SPECIAL CATEGORIES RHEUMATIC FEVER FROM GENERAL REVENUE FUND | 93,550 | |
| 873C | SPECIAL CATEGORIES PEDIATRIC LIVER TRANSPLANT PROGRAM FROM GENERAL REVENUE FUND | 175,000 | |
| 874 | SPECIAL CATEGORIES GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES FROM GENERAL REVENUE FUND | 11,301,949 | |
| | FROM DONATIONS TRUST FUND | | 334,159 |
| 874A | SPECIAL CATEGORIES GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART H FROM GENERAL REVENUE FUND | 5,586,470 | |

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FROM DONATIONS TRUST FUND 9,302,517

From the funds in Specific Appropriation 874A, the Department of Health and Rehabilitative Services, jointly with the Department of Education, is authorized to prepare a seventh year grant application to 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. 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 with the legislative appropriations committees pursuant to Chapter 216.177, Florida Statutes.

A portion of the aforementioned state funds can be utilized as state matching funds to establish Medicaid reimbursable early intervention services for I.D.E.A., Medicaid eligible children. The Department of Health and Rehabilitative Services shall not redirect funds from other populations and programs other than those specified previously to pay for the entitlement.

874B SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL
INTENSIVE CARE CENTER/ PERINATAL SUPPORT
SERVICES
FROM GENERAL REVENUE FUND 1,562,267
FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 411,375

874C SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 372,400

DELINQUENCY SERVICES

The Department of Health and Rehabilitative Services shall report quarterly on its progress toward implementation of programs and services for delinquent youth. The report shall be provided to the Governor, the President of the Senate and the Speaker of the House of Representatives.

From the funds in Specific Appropriations 875 through 885, the department must, to the extent possible, identify those expenditures that can be used as match to draw down federal reimbursements for programs such as JOBS, Title IV of the Social Security Act, and any other federal sources

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available. The department must submit a report to the Legislature by January 1, 1995, detailing the actual and potential federal earnings and describing the steps that need to be taken to receive those earnings.

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|-----|---|-----------|------------|------------|
| 875 | SALARIES AND BENEFITS | POSITIONS | 3,647 | |
| | FROM GENERAL REVENUE FUND | | 90,650,477 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 621,758 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | | 11,306,413 |
| 876 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 792,410 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 106,204 |
| 877 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 17,726,043 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 1,317,418 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | | 1,025,657 |
| 878 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 144,999 | |
| 879 | FOOD PRODUCTS | | | |
| | FROM GENERAL REVENUE FUND | | 2,129,929 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 678,331 |
| 880 | LUMP SUM | | | |
| | JUVENILE JUSTICE REFORM | | | |
| | | POSITIONS | 450 | |
| | FROM GENERAL REVENUE FUND | | 43,997,737 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 5,753,691 |

From the funds in Specific Appropriation 880, \$1,416,039 and 36 positions shall be used to reduce the cost of secure detention by using effective non-secure detention alternatives; \$5,168,140 from General Revenue and \$5,753,691 from the Administrative Trust Fund and 178 positions are for the administrative functions of a new department; \$512,080 and 8 positions shall be used for an outcome evaluation capability pursuant to direction of SB 68; \$1,125,000 shall be used for crisis intervention counseling; \$750,000 is provided for an independent living program; \$6,220,726 shall be used for an average of 10 months funding for 225 secure detention beds of which the department may pursue contracting with private providers for the operation of such; \$961,775 shall be used for 12 months funding for 31 staff secure shelter beds; \$1,217,275 shall be used for twelve months funding for 250 non-secure detention slots; \$608,000 shall be used for twelve months funding for 4,000 Juvenile Alternative Services Program slots; \$2,000,000 shall be used for twelve months funding for additional

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Juvenile Assessment Centers and \$740,600 shall be used for comprehensive assessments for about 3,700 youth committed to the Department; \$6,000,000 shall be used for nine months funding to provide additional aftercare funding; \$15,724,302 for an average of 6 months funding of a minimum of 1,175 additional commitment beds/slots which are as follows: 180 additional Boot Camp beds, 244 additional non-residential slots, 100 low risk (level IV) beds, 185 moderate risk residential (level VI) beds, 67 high risk (level VIII) beds, 100 maximum (level X) beds and 200 more to be planned for 1995-96, 100 beds for independent living arrangements, 100 Glen Mills Academy beds, and 100 beds for Juvenile Sex Offenders; \$750,000 for staffing for the Juvenile Justice Boards; \$212,500 for Partnership Grants. Of the 180 Boot Camp beds, the Department should first consider contracting with: Polk, Dade, and Broward counties providing those counties have appropriate local financial participation and site selection. Should the Department not be able to contract with any or all of these counties by October 31, 1994, the Department may pursue contracts with other counties. In addition, the Department must give priority consideration to those boot camp proposals which offer significant local participation in funding operations and/or providing facilities. Further, from the funds provided for moderate risk (level VI) beds, the Department should give priority consideration to the Phase II Boot Camp program in Leon County.

From the funds in Specific Appropriation 880, the Department is authorized to expand the Early Delinquency and Intervention program to other areas of the state.

When planning for the use of the funds in Specific Appropriation 880 provided for residential programs, the Department must develop resources in a manner that will facilitate the conversion of Dozier School for boys to an educational facility through the use of funds provided in Specific Appropriation 2012A. Such conversion may require that some of the juveniles currently placed in Dozier be transferred to more appropriate programs.

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| 881 | SPECIAL CATEGORIES | |
| | CLIENT TRANSPORTATION | |
| | FROM GENERAL REVENUE FUND | 374,309 |

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|-----|--|-------------|
| 882 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | |
| | FROM GENERAL REVENUE FUND | 102,080,746 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | 2,163,836 |

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| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 243,331 |
| 883 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - RUNAWAY SHELTER PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 13,180,082 | |
| 884 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - SPECIAL PROGRAMS FOR STATUS OFFENDERS | | |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 383,858 |
| 885 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES | | |
| | FROM GENERAL REVENUE FUND | 5,258,683 | |

ENTITLEMENT BENEFITS AND SERVICES

ECONOMIC SERVICES

| | | | | |
|-----|---|------------|------------|------------|
| 886 | SALARIES AND BENEFITS | POSITIONS | 7,512 | |
| | FROM GENERAL REVENUE FUND | | 74,682,553 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 92,937,821 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | | 17,323,494 |
| | FROM SPECIAL GRANTS TRUST FUND | | | 862,985 |
| 887 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | 599,564 | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 612,025 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | | 12,461 |
| 888 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | 18,575,532 | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 23,535,540 |
| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | | 4,650,646 |
| | FROM SPECIAL GRANTS TRUST FUND | | | 261,019 |
| 889 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | 1,341 | | |
| 890 | LUMP SUM | | | |
| | FOOD STAMP REINVESTMENT | | | |
| | FROM GENERAL REVENUE FUND | 5,487,603 | | |

Funds in Specific Appropriation 890, are provided for the purpose of implementing the provisions of the public assistance quality control error reductions reinvestment plan that enhance personnel stability, improve quality assurance/quality control and modify the FLORIDA system with error reduction changes.

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| 891 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - FEDERAL EMERGENCY | | |
| | SHELTER GRANT PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 2,975,886 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 1,911,856 |
| | FROM SPECIAL GRANTS TRUST FUND | | 893,000 |
| 892 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 12,483,026 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 33,814,620 |
| | Of the funds in Specific Appropriation 892, \$6,000,000 from the Administrative Trust Fund is provided contingent upon SB 1018 or similar legislation becoming law. Funds from Specific Appropriation 892, authorized under the federal JOBS Program may be used in conjunction with funding from other sources for the purpose of job training for JOBS participants contingent upon SB 1018 or similar legislation becoming law. These funds will require matching non-federal funds on a 40% non-federal/60% federal basis. The combined funds will be earned by the school districts and community colleges under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, F.S.) and for enrolling, training, and placing JOBS participants. Up to \$6 million of the federal JOBS funds may be used in this performance based funding project. | | |
| 893 | SPECIAL CATEGORIES | | |
| | PUBLIC ASSISTANCE FRAUD CONTRACT | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 5,593,600 |
| 894 | SPECIAL CATEGORIES | | |
| | PUBLIC ASSISTANCE MAILING COSTS | | |
| | FROM GENERAL REVENUE FUND | 189,360 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 189,360 |
| 895 | SPECIAL CATEGORIES | | |
| | SERVICES TO REPATRIATED AMERICANS | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 130,380 |
| 896 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - STATE LEGALIZATION | | |
| | IMPACT ASSISTANCE GRANTS | | |
| | FROM SPECIAL GRANTS TRUST FUND | | 22,931,584 |
| 897 | SPECIAL CATEGORIES | | |
| | ECONOMIC SERVICES PRE-ENTRY TRAINING | | |
| | PROGRAM | | |
| | FROM GENERAL REVENUE FUND | 1,225,358 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 1,650,562 |

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| | FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 425,204 |
| 898 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,023,341 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 824,366 |
| 899 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | AID TO FAMILIES WITH DEPENDENT CHILDREN | | |
| | FROM GENERAL REVENUE FUND | 325,981,982 | |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 498,508,374 |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | 3,166,924 |
| 900 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | CHILD SUPPORT ENFORCEMENT - PAYMENT TO PUBLIC ASSISTANCE FAMILIES | | |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 16,500,000 |
| 901 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS | | |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 600,000 |
| 902 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | CHILD SUPPORT FOR NON-AFDC FAMILIES | | |
| | FROM DIRECT ASSISTANCE TRUST FUND | | 235,000,000 |
| 903 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | REFUGEE/ENTRANT ASSISTANCE | | |
| | FROM SPECIAL GRANTS TRUST FUND | | 3,040,996 |
| CHILD SUPPORT ENFORCEMENT SERVICES | | | |
| 903A | SALARIES AND BENEFITS | POSITIONS | 1,886 |
| | FROM GENERAL REVENUE FUND | | 6,218,347 |
| | FROM ADMINISTRATIVE TRUST FUND | | 39,806,349 |
| 903B | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,871,592 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 9,412,167 |
| 903C | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 8,817 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 25,329 |
| 903D | LUMP SUM | | |
| | HB 1087 | | |
| | | POSITIONS | 23 |
| | FROM ADMINISTRATIVE TRUST FUND | | 588,235 |
| 903E | SPECIAL CATEGORIES | | |
| | PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT | | |
| | FROM GENERAL REVENUE FUND | 2,420,369 | |

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| FROM ADMINISTRATIVE TRUST FUND | 17,694,342 |
| FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND | 145,354 |

ADULT PAYMENT SERVICES

| | | |
|---|------------|------------|
| 904 SALARIES AND BENEFITS POSITIONS | 976 | |
| FROM GENERAL REVENUE FUND | 6,433,398 | |
| FROM ADMINISTRATIVE TRUST FUND | | 12,609,564 |
| FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 5,879,293 |
| 905 OTHER PERSONAL SERVICES | | |
| FROM GENERAL REVENUE FUND | 51,281 | |
| FROM ADMINISTRATIVE TRUST FUND | | 321,119 |
| FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 287,783 |
| 906 EXPENSES | | |
| FROM GENERAL REVENUE FUND | 808,921 | |
| FROM ADMINISTRATIVE TRUST FUND | | 2,826,400 |
| FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND | | 1,909,046 |
| 907 OPERATING CAPITAL OUTLAY | | |
| FROM GENERAL REVENUE FUND | 5,157 | |
| FROM ADMINISTRATIVE TRUST FUND | | 5,168 |
| 908 FINANCIAL ASSISTANCE PAYMENTS | | |
| ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT | | |
| FROM GENERAL REVENUE FUND | 17,825,838 | |

Funds are provided in Specific Appropriations 908 and 909 to continue the current payment and eligibility standard for the Optional State Supplementation program. However, the Department may establish a revised monthly payment and eligibility standard to become effective January 1995 at the rate of \$575 per month plus an amount not to exceed 95% of the cost of living adjustment to the Federal Benefits Rate provided that the average state Optional Supplementation contribution does not increase as a result. Nothing in this paragraph shall be construed as legislative approval for similar Optional State Supplementation payment and eligibility standard adjustments for future years.

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| 909 FINANCIAL ASSISTANCE PAYMENTS | | |
| FOSTER HOME CARE SUPPLEMENT | | |
| FROM GENERAL REVENUE FUND | 1,817,142 | |
| 910 FINANCIAL ASSISTANCE PAYMENTS | | |
| PERSONAL CARE ALLOWANCE | | |
| FROM GENERAL REVENUE FUND | 314,456 | |

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MULTI-DISTRICT SERVICES

MENTAL HEALTH - INSTITUTIONS

| | | | | |
|------|--|-----------|------------|-------------|
| 911 | SALARIES AND BENEFITS | POSITIONS | 6,522 | |
| | FROM GENERAL REVENUE FUND | | 82,462,954 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 129,838 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | | 108,667,666 |
| 912 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 898,219 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 1,200 |
| 913 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 27,144,846 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 519,611 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | | 2,375,774 |
| 914 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 980,093 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | | 15,600 |
| 915 | FOOD PRODUCTS | | | |
| | FROM GENERAL REVENUE FUND | | 3,958,995 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 324,330 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | | 308,559 |
| 915A | LUMP SUM | | | |
| | FORENSIC MENTAL HEALTH WORKLOAD | | | |
| | | POSITIONS | 58 | |
| | FROM GENERAL REVENUE FUND | | 1,000,000 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | | 700,000 |
| 916 | SPECIAL CATEGORIES | | | |
| | GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 8,804,189 | |

From the funds in Specific Appropriation 916, \$925,056 is provided to rebase the per-diem rate for the West Florida Community Care Center in District 1.

| | | | | |
|-----|-------------------------------------|--|--------|--|
| 917 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | | 67,131 | |

DEVELOPMENTAL SERVICES - INSTITUTIONS

| | | | | |
|-----|-------------------------------------|-----------|------------|--|
| 918 | SALARIES AND BENEFITS | POSITIONS | 3,803 | |
| | FROM GENERAL REVENUE FUND | | 46,937,368 | |

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|---------------------------------|---|------------|------------|
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 48,807,427 |
| 919 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 2,114,758 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 78,391 |
| 920 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 11,661,984 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 2,196,533 |
| 921 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 361,794 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 96,554 |
| 922 | FOOD PRODUCTS | | |
| | FROM GENERAL REVENUE FUND | 2,162,016 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 302,356 |
| 923 | LUMP SUM | | |
| | CERTIFY 75 INTERMEDIATE CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED BEDS | | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 994,005 |
| 924 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 3,163,617 | |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | 834,520 |
| CHILDREN AND YOUTH INSTITUTIONS | | | |
| 925 | SALARIES AND BENEFITS | POSITIONS | 220 |
| | FROM GENERAL REVENUE FUND | | 4,095,303 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 52,064 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND | | 1,938,614 |
| 926 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 27,739 | |
| 927 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,001,321 | |
| 928 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 33,861 | |
| 929 | FOOD PRODUCTS | | |
| | FROM GENERAL REVENUE FUND | 78,361 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 90,053 |

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| | | | |
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| 930 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTUAL | | |
| | SERVICES-DOZIER TRAINING SCHOOL | | |
| | FROM GENERAL REVENUE FUND | 355,625 | |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST | | |
| | FUND | | 105,187 |
| 931 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTUAL | | |
| | SERVICES-OKEECHOBEE TRAINING SCHOOL | | |
| | FROM GENERAL REVENUE FUND | 5,246,970 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 32,088 |
| | FROM SOCIAL SERVICES BLOCK GRANT TRUST | | |
| | FUND | | 2,546,273 |
| HEALTH - TUBERCULOSIS HOSPITAL | | | |
| 932 | SALARIES AND BENEFITS | POSITIONS | 207 |
| | FROM GENERAL REVENUE FUND | | 4,464,198 |
| | FROM HOSPITAL MAINTENANCE TRUST FUND | | 850,053 |
| 933 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 38,119 | |
| 934 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,517,401 | |
| | FROM HOSPITAL MAINTENANCE TRUST FUND | | 275,101 |
| | FROM OPERATIONS AND MAINTENANCE TRUST | | |
| | FUND | | 501,125 |
| 935 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 38,295 | |
| 936 | FOOD PRODUCTS | | |
| | FROM GENERAL REVENUE FUND | 92,548 | |
| | FROM HOSPITAL MAINTENANCE TRUST FUND | | 442,509 |
| 937 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - CONTRACTED PROFESSIONAL | | |
| | SERVICES | | |
| | FROM GENERAL REVENUE FUND | 129,770 | |
| HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF | | | |
| OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF | | | |
| ADMINISTRATIVE SERVICES | | | |
| 938 | SALARIES AND BENEFITS | POSITIONS | 416 |
| | FROM ACCIDENT REPORTS TRUST FUND | | 10,840,755 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 103,997 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 85,038 |
| 939 | OTHER PERSONAL SERVICES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 59,766 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 57,000 |

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| 940 | EXPENSES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 1,706,133 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 205,400 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 7,460 |
| 941 | OPERATING CAPITAL OUTLAY | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 87,365 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 51,500 |
| 942 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 501 |
| 943 | DATA PROCESSING SERVICES | | |
| | KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 300,434 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 695,091 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 3,437 |
| FLORIDA HIGHWAY PATROL, DIVISION OF | | | |
| 944 | SALARIES AND BENEFITS | POSITIONS | 2,217 |
| | FROM GENERAL REVENUE FUND | | 73,708,073 |
| | FROM ACCIDENT REPORTS TRUST FUND | | 7,984,599 |
| | FROM GAS TAX COLLECTION TRUST FUND | | 160,627 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 64,727 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 721,795 |
| | FROM REIMBURSEMENT TRUST FUND | | 6,850,207 |
| 945 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 68,300 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 205,222 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 650,000 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 200,000 |
| | FROM REIMBURSEMENT TRUST FUND | | 2,500 |
| 946 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 5,925,131 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 414,186 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 532,892 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 142,521 |
| | FROM REIMBURSEMENT TRUST FUND | | 395,572 |
| 947 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 550,835 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 159,160 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 327,200 |
| | FROM REIMBURSEMENT TRUST FUND | | 91,208 |
| 948 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 4,703,200 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 135,877 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 40,000 |

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| | | | |
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| | FROM REIMBURSEMENT TRUST FUND | | 1,009,152 |
| 949 | SPECIAL CATEGORIES | | |
| | OPERATION OF MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 5,020,090 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 240,578 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 68,521 |
| | FROM REIMBURSEMENT TRUST FUND | | 654,580 |
| 950 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 1,161,184 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 78,270 |
| | FROM REIMBURSEMENT TRUST FUND | | 100,890 |
| 951 | DATA PROCESSING SERVICES | | |
| | KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 1,295,000 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 2,665,732 |
| | FROM REIMBURSEMENT TRUST FUND | | 82,627 |
| | DRIVER LICENSES, DIVISION OF | | |
| 952 | SALARIES AND BENEFITS POSITIONS | 1,660 | |
| | FROM GENERAL REVENUE FUND | 43,304 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 40,193,580 |
| | FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND | | 272,845 |
| 953 | OTHER PERSONAL SERVICES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 967,016 |
| | FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND | | 179,600 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 105,496 |
| 954 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 48,715 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 9,561,481 |
| | FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND | | 84,609 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 191,228 |
| 955 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 56,000 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 80,323 |
| | FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND | | 8,217 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 131,445 |
| 956 | SPECIAL CATEGORIES | | |
| | PAYMENT TO OUTSIDE CONTRACTOR | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 1,000,000 |
| 957 | SPECIAL CATEGORIES | | |
| | PURCHASE OF DRIVER LICENSES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 1,821,873 |

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|-----------------------------|--|-----------|------------|
| 958 | DATA PROCESSING SERVICES | | |
| | KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 17,966 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 5,245,863 |
| MOTOR VEHICLES, DIVISION OF | | | |
| 959 | SALARIES AND BENEFITS | POSITIONS | 592 |
| | FROM ACCIDENT REPORTS TRUST FUND | | 13,272,278 |
| | FROM GAS TAX COLLECTION TRUST FUND | | 2,174,625 |
| 960 | OTHER PERSONAL SERVICES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 109,516 |
| | FROM GAS TAX COLLECTION TRUST FUND | | 11,438 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 15,000 |
| 961 | EXPENSES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 4,441,532 |
| | FROM GAS TAX COLLECTION TRUST FUND | | 573,203 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 40,626 |
| 962 | OPERATING CAPITAL OUTLAY | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 160,165 |
| | FROM GAS TAX COLLECTION TRUST FUND | | 5,001 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 72,828 |
| 963 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - PURCHASE OF LICENSE PLATES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 7,136,749 |
| 964 | DATA PROCESSING SERVICES | | |
| | KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 10,097,665 |
| | FROM GAS TAX COLLECTION TRUST FUND | | 445,246 |
| KIRKMAN DATA CENTER | | | |
| 965 | SALARIES AND BENEFITS | POSITIONS | 234 |
| | FROM WORKING CAPITAL TRUST FUND | | 7,390,146 |
| 966 | OTHER PERSONAL SERVICES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 110,208 |
| 967 | EXPENSES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 9,474,694 |
| 968 | OPERATING CAPITAL OUTLAY | | |
| | FROM WORKING CAPITAL TRUST FUND | | 2,223,438 |
| 969 | SPECIAL CATEGORIES | | |
| | TAX COLLECTOR NETWORK - COUNTY SYSTEMS | | |
| | FROM WORKING CAPITAL TRUST FUND | | 2,316,934 |

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INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

| | | | | |
|-----|--|-----------|-----|-----------|
| 970 | SALARIES AND BENEFITS | POSITIONS | 173 | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 6,555,639 |
| 971 | OTHER PERSONAL SERVICES | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 339,621 |
| 972 | EXPENSES | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 1,701,786 |
| 973 | OPERATING CAPITAL OUTLAY | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 12,000 |
| 974 | DATA PROCESSING SERVICES | | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 1,424,152 |
| 975 | DATA PROCESSING SERVICES | | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 7,783 |

TREASURY, DIVISION OF

| | | | | |
|-----|---|-----------|----|-----------|
| 976 | SALARIES AND BENEFITS | POSITIONS | 77 | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 339,942 |
| | FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND | | | 2,339,352 |
| 977 | OTHER PERSONAL SERVICES | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 9,000 |
| 978 | EXPENSES | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 100,122 |
| | FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND | | | 2,064,282 |

From the funds provided from the Treasurer's Administrative and Investment Trust Fund in Specific Appropriation 978, \$1,346,000 is contingent upon legislation becoming law which provides for the increase of the annual assessment from .01 percent

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to .012 percent.

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| 980 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER | | |
| | - DEPARTMENT OF INSURANCE | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 64,687 |
| | FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND | | 719,204 |

From the funds provided from the Insurance Commissioner's Regulatory Trust Fund in Specific Appropriations 976, 977, 978, and 980, 10 positions and \$339,942, \$9,000, \$100,122, and \$64,687, respectively, are contingent upon legislation becoming law which provides for deletion of the Division of Benefits, and for transfer of the Deferred Compensation program to the Division of Treasury. Should such legislation not become law, the Executive Office of the Governor shall transfer these positions and appropriations to the Division of Benefits.

AGENTS AND AGENCIES SERVICES, DIVISION OF

| | | | |
|-----|---|-----------|-----------|
| 981 | SALARIES AND BENEFITS | POSITIONS | 125 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 3,590,092 |
| 982 | OTHER PERSONAL SERVICES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 1,515,585 |
| 983 | EXPENSES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 823,038 |
| 984 | OPERATING CAPITAL OUTLAY | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 133,032 |
| 985 | SPECIAL CATEGORIES | | |
| | FINGERPRINTING OF APPLICANTS | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 1,100,000 |
| 986 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER | | |
| | - DEPARTMENT OF INSURANCE | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 882,467 |

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INSURER SERVICES, DIVISION OF

| | | | |
|-----|---|-----------|------------|
| 987 | SALARIES AND BENEFITS | POSITIONS | 308 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 11,711,240 |
| 988 | OTHER PERSONAL SERVICES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 377,000 |
| 989 | EXPENSES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 3,315,414 |

From funds in Specific Appropriation 989, the Department of Insurance shall review practices and procedures related to limitation of liability within the household moving and storage industry and report its findings and recommendations to the Legislature by January 1, 1995.

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|-----|---|--|-----------|
| 990 | OPERATING CAPITAL OUTLAY | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 6,900 |
| 991 | SPECIAL CATEGORIES | | |
| | FINGERPRINTING OF APPLICANTS | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 34,524 |
| 992 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 1,739,562 |

REHABILITATION AND LIQUIDATION, DIVISION OF

| | | | |
|-----|---|-----------|---------|
| 993 | SALARIES AND BENEFITS | POSITIONS | 20 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 941,861 |
| 994 | OTHER PERSONAL SERVICES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 300,000 |
| 995 | EXPENSES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 562,840 |
| 996 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 47,065 |

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INSURANCE CONSUMER SERVICES, DIVISION OF

| | | | | |
|---------------------------------|---|-----------|-----|-----------|
| 997 | SALARIES AND BENEFITS | POSITIONS | 147 | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 4,526,231 |
| 998 | OTHER PERSONAL SERVICES | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 175,000 |
| 999 | EXPENSES | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 1,592,893 |
| 1000 | OPERATING CAPITAL OUTLAY | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 6,295 |
| 1001 | DATA PROCESSING SERVICES | | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 497,927 |
| STATE FIRE MARSHAL, DIVISION OF | | | | |
| 1002 | SALARIES AND BENEFITS | POSITIONS | 211 | |
| | FROM FIRE COLLEGE TRUST FUND | | | 564,644 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 7,048,398 |
| 1003 | OTHER PERSONAL SERVICES | | | |
| | FROM FIRE COLLEGE TRUST FUND | | | 96,000 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 281,000 |
| 1004 | EXPENSES | | | |
| | FROM FIRE COLLEGE TRUST FUND | | | 577,200 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 1,551,240 |
| 1005 | OPERATING CAPITAL OUTLAY | | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 810,316 |
| 1006 | SPECIAL CATEGORIES | | | |
| | FINGERPRINTING OF APPLICANTS FROM FIRE COLLEGE TRUST FUND | | | 150,000 |
| 1007 | SPECIAL CATEGORIES | | | |
| | ON-CALL FEES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | | 121,509 |

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| 1008 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 56,670 |
| 1009 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER | | |
| | - DEPARTMENT OF INSURANCE | | |
| | FROM FIRE COLLEGE TRUST FUND | | 55,303 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 851,418 |
| | RISK MANAGEMENT, DIVISION OF | | |
| 1010 | SALARIES AND BENEFITS | POSITIONS | 100 |
| | FROM CASUALTY INSURANCE TRUST FUND | | 2,915,774 |
| | FROM FIRE INSURANCE TRUST FUND | | 214,079 |
| 1011 | OTHER PERSONAL SERVICES | | |
| | FROM CASUALTY INSURANCE TRUST FUND | | 2,007,360 |
| | FROM FIRE INSURANCE TRUST FUND | | 250,000 |
| 1012 | EXPENSES | | |
| | FROM CASUALTY INSURANCE TRUST FUND | | 866,694 |
| | FROM FIRE INSURANCE TRUST FUND | | 35,545 |
| 1013 | SPECIAL CATEGORIES | | |
| | EXCESS INSURANCE AND CLAIM SERVICE | | |
| | FROM CASUALTY INSURANCE TRUST FUND | | 4,452,175 |
| | FROM FIRE INSURANCE TRUST FUND | | 4,500,000 |
| 1014 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER | | |
| | - DEPARTMENT OF INSURANCE | | |
| | FROM CASUALTY INSURANCE TRUST FUND | | 276,470 |
| | FROM FIRE INSURANCE TRUST FUND | | 54,061 |

From funds in Specific Appropriation 1010 through 1014, the Division of Risk Management shall develop a plan for reducing workers' compensation costs in the state's self-insurance program. This plan shall consider the expansion of the current workers' compensation managed-care program to additional areas of the state, cost reductions resulting from the department's loss prevention program for state agencies, and the temporary total disability benefits reimbursement program authorized in the implementing bill to the 1994-95 General Appropriations Act. The division shall report all Fiscal Year 1993-94 worker compensation claims by agency and submit the required plan for reduction of workers' compensation costs to the Legislative Appropriation Committees by December 31, 1994.

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SPECIFIC
APPROPRIATION

INSURANCE FRAUD, DIVISION OF

| | | | |
|------|---|-----------|-----------|
| 1015 | SALARIES AND BENEFITS | POSITIONS | 108 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 4,233,428 |
| 1016 | OTHER PERSONAL SERVICES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 120,000 |
| 1017 | EXPENSES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 1,035,257 |
| 1018 | OPERATING CAPITAL OUTLAY | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 140,000 |
| 1019 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 42,000 |
| 1020 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER | | |
| | - DEPARTMENT OF INSURANCE | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 125,513 |

TREASURER'S MANAGEMENT INFORMATION CENTER

| | | | |
|------|---|-----------|-----------|
| 1021 | SALARIES AND BENEFITS | POSITIONS | 59 |
| | FROM WORKING CAPITAL TRUST FUND | | 2,294,707 |
| 1022 | OTHER PERSONAL SERVICES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 340,000 |
| 1023 | EXPENSES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 2,802,733 |
| 1024 | OPERATING CAPITAL OUTLAY | | |
| | FROM WORKING CAPITAL TRUST FUND | | 1,080,072 |
| 1025 | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 500,000 |

LEGAL SERVICES, DIVISION OF

| | | | |
|------|--|-----------|-----------|
| 1026 | SALARIES AND BENEFITS | POSITIONS | 45 |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 1,874,839 |
| 1027 | OTHER PERSONAL SERVICES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY | | |
| | TRUST FUND | | 105,000 |

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SPECIFIC
APPROPRIATION

| | | | |
|------|---|--|---------|
| 1028 | EXPENSES | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 463,221 |
| 1029 | OPERATING CAPITAL OUTLAY | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 13,800 |
| 1030 | DATA PROCESSING SERVICES | | |
| | TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 277,561 |

JUSTICE ADMINISTRATION

JUSTICE ADMINISTRATIVE COMMISSION

| | | | | |
|------|--|-----------|---------|-----------|
| 1031 | SALARIES AND BENEFITS | POSITIONS | 30 | |
| | FROM GENERAL REVENUE FUND | | 941,981 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 24,763 |
| 1032 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 15,094 | |
| 1033 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 148,231 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 4,825 |
| 1034 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 13,322 | |
| 1037 | LUMP SUM | | | |
| | CONTRACT COUNTY ATTORNEYS | | | |
| | | POSITIONS | 40 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 2,000,000 |

Funds provided in Specific Appropriation 1037 for contract county attorneys in the 11th Judicial Circuit shall be placed initially in reserve and only released upon receipt by the Executive Office of the Governor of a signed agreement between Dade County and the Public Defender of the 11th Judicial Circuit.

| | | | | |
|------|---|--|---------|--|
| 1038 | SPECIAL CATEGORIES | | | |
| | CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPEs | | | |
| | FROM GENERAL REVENUE FUND | | 90,125 | |
| 1039 | SPECIAL CATEGORIES | | | |
| | STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT | | | |
| | FROM GENERAL REVENUE FUND | | 134,620 | |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
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| 1040 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEY AND PUBLIC DEFENDER TRAINING | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 75,000 |
| 1040A | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 8,900 | |
| OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE | | | |
| 1041 | SALARIES AND BENEFITS | POSITIONS | 52 |
| | FROM GENERAL REVENUE FUND | | 2,028,483 |
| | FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND | | 21,228 |
| 1042 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 120,068 | |
| | FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND | | 20,013 |
| 1043 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 635,465 | |
| | FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND | | 81,622 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 5,887 |
| 1044 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 5,890 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 95,056 |
| 1044A | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 30,100 | |

STATE ATTORNEYS

The Prosecution Coordination Office's budgetary, training, and education needs may be shared by each state attorney's office within the funds provided in Specific Appropriations 1045 through 1182. The total funding for this office shall not exceed \$200,000.

From the funds in Specific Appropriations 1045 through 1182 for the State Attorneys, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is addressed in the IRC approved agency strategic plan or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

SECTION 1A
 SPECIFIC
 APPROPRIATION

From the funds in Specific Appropriations 1045 through 1182, 90 positions and \$4,127,424 from the General Revenue Fund is provided for State Attorney Workload. New Assistant State Attorney positions shall be established at a rate not to exceed \$28,385 and funded for 12 months.

Funds provided in Specific Appropriations 1045 through 1182 in the "Acquisition/Motor Vehicle" appropriation category shall be used to replace state cars previously purchased with state funds.

FIRST JUDICIAL CIRCUIT

| | | | | |
|------|--|-----------|-----------|---------|
| 1045 | SALARIES AND BENEFITS | POSITIONS | 162 | |
| | FROM GENERAL REVENUE FUND | | 6,243,315 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 282,786 |
| 1046 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 17,213 | |
| 1047 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 435,481 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 55,000 |
| 1048 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 42,229 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 25,500 |
| 1049 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 44,000 |
| 1050 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | | 9,998 | |
| 1051 | SPECIAL CATEGORIES | | | |
| | STATE ATTORNEYS - LAW LIBRARY | | | |
| | FROM GENERAL REVENUE FUND | | 54,693 | |

SECOND JUDICIAL CIRCUIT

| | | | | |
|------|--|-----------|-----------|---------|
| 1052 | SALARIES AND BENEFITS | POSITIONS | 94 | |
| | FROM GENERAL REVENUE FUND | | 3,818,462 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 197,411 |
| 1053 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 18,386 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 25,000 |
| 1054 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 300,188 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | | 40,765 |

SECTION 1A

SPECIFIC
APPROPRIATION

| | | | |
|-------------------------|--|------------|--------|
| 1055 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 25,055 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 40,000 |
| 1056 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 55,000 |
| 1057 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 8,195 | |
| 1058 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 20,988 | |
| THIRD JUDICIAL CIRCUIT | | | |
| 1059 | SALARIES AND BENEFITS | POSITIONS | 51 |
| | FROM GENERAL REVENUE FUND | 2,243,760 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 62,199 |
| 1060 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,311 | |
| 1061 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 224,169 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 24,634 |
| 1062 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 7,664 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 90,426 |
| 1063 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 66,000 |
| 1064 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 6,110 | |
| 1065 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 2,413 | |
| | FROM CIVIL RICO TRUST FUND | | 11,948 |
| FOURTH JUDICIAL CIRCUIT | | | |
| 1066 | SALARIES AND BENEFITS | POSITIONS | 276 |
| | FROM GENERAL REVENUE FUND | 11,059,835 | |
| 1067 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 147,500 | |
| | FROM CONSUMER FRAUDS TRUST FUND | | 30,000 |
| | FROM FORFEITURE AND INVESTIGATIVE | | |
| | SUPPORT TRUST FUND | | 40,000 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
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| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 196,218 |
| 1068 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 764,587 | |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 78,852 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 971,058 |
| 1069 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 65,183 | |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 50,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 80,000 |
| 1070 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 114,000 |
| 1071 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 11,547 | |
| 1072 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 45,329 | |
| FIFTH JUDICIAL CIRCUIT | | | |
| 1073 | SALARIES AND BENEFITS | POSITIONS | 153 |
| | FROM GENERAL REVENUE FUND | | 5,935,859 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 50,183 |
| 1074 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 10,732 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 3,600 |
| 1075 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 262,435 | |
| | FROM CIVIL RICO TRUST FUND | | 3,224 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 20,188 |
| 1076 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 28,902 | |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 20,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 18,280 |
| 1077 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 22,000 |
| 1078 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 15,938 | |

SECTION 1A

SPECIFIC
APPROPRIATION

1079 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 32,657

SIXTH JUDICIAL CIRCUIT

1080 SALARIES AND BENEFITS POSITIONS 350
FROM GENERAL REVENUE FUND 13,816,768

1081 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 44,768

1082 EXPENSES
FROM GENERAL REVENUE FUND 585,517

1083 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 36,463
FROM CIVIL RICO TRUST FUND 1,474
FROM CONSUMER FRAUDS TRUST FUND 2,317
FROM GRANTS AND DONATIONS TRUST FUND 185,600

1084 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND 171,000

1085 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 23,009

1086 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 44,561

SEVENTH JUDICIAL CIRCUIT

1087 SALARIES AND BENEFITS POSITIONS 175
FROM GENERAL REVENUE FUND 6,028,035
FROM GRANTS AND DONATIONS TRUST FUND 932,412

1088 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,264
FROM GRANTS AND DONATIONS TRUST FUND 15,891

1089 EXPENSES
FROM GENERAL REVENUE FUND 456,187
FROM GRANTS AND DONATIONS TRUST FUND 148,556

1090 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,001
FROM GRANTS AND DONATIONS TRUST FUND 135,000

1091 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND 22,000

SECTION 1A

SPECIFIC APPROPRIATION

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| 1104 | SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND | | 44,000 |
| 1105 | SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND | 27,936 | |
| 1106 | SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND | 55,544 | 6,000 |

TENTH JUDICIAL CIRCUIT

| | | | | |
|------|---|-----------|-----------|--------|
| 1107 | SALARIES AND BENEFITS | POSITIONS | 152 | |
| | FROM GENERAL REVENUE FUND | | 5,882,060 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 81,008 |
| 1108 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND | | 17,871 | 14,945 |
| 1109 | EXPENSES FROM GENERAL REVENUE FUND | | 308,579 | |
| 1110 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND | | 11,456 | 17,000 |
| 1111 | SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND | | | 33,000 |
| 1112 | SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND | | 14,545 | |
| 1113 | SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND | | 8,013 | |

ELEVENTH JUDICIAL CIRCUIT

| | | | | |
|------|---|-----------|------------|-------------------|
| 1114 | SALARIES AND BENEFITS | POSITIONS | 991 | |
| | FROM GENERAL REVENUE FUND | | 25,415,790 | |
| | FROM CHILD SUPPORT TRUST FUND | | | 8,414,841 |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | | 770 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 800,436 |
| 1115 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM CHILD SUPPORT TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND | | 148,301 | 121,000 13,904 |

SECTION 1A

SPECIFIC
APPROPRIATION

| | | | |
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| 1116 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,033,334 | |
| | FROM CHILD SUPPORT TRUST FUND | | 1,842,937 |
| | FROM CIVIL RICO TRUST FUND | | 7,000 |
| | FROM CONSUMER FRAUDS TRUST FUND | | 10,939 |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 2,691 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 117,205 |
| 1117 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 69,342 | |
| | FROM CHILD SUPPORT TRUST FUND | | 20,000 |
| | FROM CIVIL RICO TRUST FUND | | 5,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 6,000 |
| 1118 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 66,000 |
| 1119 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 22,500 | |
| 1120 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 57,525 | |
| 1121 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES | | |
| | FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | | 132,048 |
| 1122 | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 264,500 | |
| TWELFTH JUDICIAL CIRCUIT | | | |
| 1123 | SALARIES AND BENEFITS | POSITIONS | 149 |
| | FROM GENERAL REVENUE FUND | 5,901,133 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 45,549 |
| 1124 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 11,375 | |
| 1125 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,390,451 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 40,589 |
| 1126 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 33,576 | |
| 1127 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 33,000 |

SECTION 1A

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| | | | | |
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| 1128 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | | 9,580 | |
| 1129 | SPECIAL CATEGORIES | | | |
| | STATE ATTORNEYS - LAW LIBRARY | | | |
| | FROM GENERAL REVENUE FUND | | 37,134 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 2,500 |
| THIRTEENTH JUDICIAL CIRCUIT | | | | |
| 1130 | SALARIES AND BENEFITS | POSITIONS | 267 | |
| | FROM GENERAL REVENUE FUND | | 10,657,339 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 35,585 |
| 1131 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 81,934 | |
| 1132 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 337,148 | |
| 1133 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 99,859 | |
| 1134 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | | 6,913 | |
| 1135 | SPECIAL CATEGORIES | | | |
| | STATE ATTORNEYS - LAW LIBRARY | | | |
| | FROM GENERAL REVENUE FUND | | 30,804 | |
| FOURTEENTH JUDICIAL CIRCUIT | | | | |
| 1136 | SALARIES AND BENEFITS | POSITIONS | 77 | |
| | FROM GENERAL REVENUE FUND | | 3,106,695 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 131,042 |
| 1137 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 2,721 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 17,500 |
| 1138 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 219,736 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 4,000 |
| 1139 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 8,211 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 22,290 |
| 1140 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 22,000 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
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| 1141 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 7,794 | |
| 1142 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 6,658 | |

FIFTEENTH JUDICIAL CIRCUIT

| | | | | |
|------|--|-----------|------------|--------|
| 1143 | SALARIES AND BENEFITS | POSITIONS | 257 | |
| | FROM GENERAL REVENUE FUND | | 10,072,413 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 87,508 |
| 1144 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 56,629 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 17,394 |
| 1145 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 596,630 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 74,893 |
| 1146 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 49,568 | |
| | FROM CIVIL RICO TRUST FUND | | | 13,947 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 50,000 |
| 1147 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM FORFEITURE AND INVESTIGATIVE | | | |
| | SUPPORT TRUST FUND | | | 22,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 66,000 |
| 1148 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | | 10,702 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 1,000 |
| 1149 | SPECIAL CATEGORIES | | | |
| | STATE ATTORNEYS - LAW LIBRARY | | | |
| | FROM GENERAL REVENUE FUND | | 22,123 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 15,500 |

SIXTEENTH JUDICIAL CIRCUIT

| | | | | |
|------|--|-----------|-----------|---------|
| 1150 | SALARIES AND BENEFITS | POSITIONS | 56 | |
| | FROM GENERAL REVENUE FUND | | 2,067,010 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 295,096 |

Funds are provided in Specific Appropriation 1150 from the Grants and Donations Trust Fund to establish \$56,770 of salary rate.

| | | | | |
|------|--|--|--------|--------|
| 1151 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 15,684 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 32,295 |

SECTION 1A

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APPROPRIATION

| | | | | |
|------------------------------|---|------------|-----|---------|
| 1152 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | 189,662 | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 7,093 |
| 1153 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | 9,117 | | |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | | 50,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 43,000 |
| 1155 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | 7,129 | | |
| 1156 | SPECIAL CATEGORIES | | | |
| | STATE ATTORNEYS - LAW LIBRARY | | | |
| | FROM GENERAL REVENUE FUND | 1,285 | | |
| SEVENTEENTH JUDICIAL CIRCUIT | | | | |
| 1157 | SALARIES AND BENEFITS | | 362 | |
| | POSITIONS | | | |
| | FROM GENERAL REVENUE FUND | 14,665,029 | | |
| 1158 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | 29,945 | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 20,000 |
| 1159 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | 761,092 | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 30,600 |
| 1160 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | 164,235 | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 2,500 |
| 1161 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM GENERAL REVENUE FUND | 22,092 | | |
| 1162 | SPECIAL CATEGORIES | | | |
| | STATE ATTORNEYS - LAW LIBRARY | | | |
| | FROM GENERAL REVENUE FUND | 30,172 | | |
| EIGHTEENTH JUDICIAL CIRCUIT | | | | |
| 1163 | SALARIES AND BENEFITS | | 197 | |
| | POSITIONS | | | |
| | FROM GENERAL REVENUE FUND | 7,562,325 | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 202,390 |
| 1164 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | 19,868 | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 31,606 |
| 1165 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | 408,622 | | |
| | FROM CONSUMER FRAUDS TRUST FUND | | | 798 |

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| | | | |
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| | FROM GRANTS AND DONATIONS TRUST FUND | | 45,922 |
| 1166 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 38,365 | |
| | FROM CONSUMER FRAUDS TRUST FUND | | 1,080 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 9,420 |
| 1167 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 44,000 |
| 1168 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 9,707 | |
| 1169 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 41,094 | |
| NINETEENTH JUDICIAL CIRCUIT | | | |
| 1170 | SALARIES AND BENEFITS | POSITIONS | 121 |
| | FROM GENERAL REVENUE FUND | | 4,139,510 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 439,083 |
| 1171 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 19,658 | |
| | FROM CONSUMER FRAUDS TRUST FUND | | 5,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 30,000 |
| 1172 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 274,242 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 95,254 |
| 1173 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 23,538 | |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 15,200 |
| 1174 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 8,874 | |
| 1175 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 17,994 | |
| TWENTIETH JUDICIAL CIRCUIT | | | |
| 1176 | SALARIES AND BENEFITS | POSITIONS | 184 |
| | FROM GENERAL REVENUE FUND | | 6,974,810 |
| | FROM CIVIL RICO TRUST FUND | | 87,655 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 167,756 |
| 1177 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 14,574 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 6,186 |

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| | | | |
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| 1178 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 371,018 | |
| | FROM CIVIL RICO TRUST FUND | | 19,942 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 135,286 |
| 1179 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 22,752 | |
| | FROM CIVIL RICO TRUST FUND | | 27,500 |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 43,822 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 8,191 |
| 1180 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 36,000 |
| 1181 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 21,288 | |
| 1182 | SPECIAL CATEGORIES | | |
| | STATE ATTORNEYS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 5,328 | |

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgetary needs may be shared by each public defender's office within the funds provided in Specific Appropriations 1183 through 1289Y. The total funding for this office shall not exceed \$245,000.

From the funds in Specific Appropriations 1183 through 1289Y for the Public Defenders, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is addressed in the IRC approved agency strategic plan or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

Within the funds in Specific Appropriations 1183 through 1289Y, the Public Defenders' Coordination Office shall report quarterly to the Executive Office of the Governor and chairmen of the appropriations committees the number of appellate and trial level conflict cases in each judicial circuit. Conflict cases are defined in section 27.54(2)(b), F.S., section 27.53(3), F.S., and include court appointed outside counsel as a result

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of that office's inability to provide adequate representation due to a stated lack of resources.

From the funds in Specific Appropriations 1183 through 1289, 42 positions and \$2,007,936 from the General Revenue Fund is provided for Public Defender Workload. New Assistant Public Defender positions shall be established at a rate not to exceed \$28,385 and funded for 12 months.

FIRST JUDICIAL CIRCUIT

| | | | |
|------|--------------------------------|-----------|-----------|
| 1183 | SALARIES AND BENEFITS | POSITIONS | 92 |
| | FROM GENERAL REVENUE FUND | | 3,715,510 |
| 1184 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 22,888 |
| 1185 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 139,569 |
| 1186 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 33,138 |
| 1188 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 17,439 |

SECOND JUDICIAL CIRCUIT

| | | | |
|------|--------------------------------|-----------|-----------|
| 1189 | SALARIES AND BENEFITS | POSITIONS | 69 |
| | FROM GENERAL REVENUE FUND | | 2,700,698 |
| 1190 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 20,744 |
| 1191 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 140,040 |
| 1192 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 32,206 |
| 1193 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 13,825 |

THIRD JUDICIAL CIRCUIT

| | | | |
|------|---------------------------|-----------|-----------|
| 1194 | SALARIES AND BENEFITS | POSITIONS | 23 |
| | FROM GENERAL REVENUE FUND | | 1,136,073 |
| 1195 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 8,887 |

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| | | | |
|-------------------------|-------------------------------------|-----------|-----------|
| 1196 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 116,400 |
| 1197 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 3,001 |
| 1199 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 9,368 |
| FOURTH JUDICIAL CIRCUIT | | | |
| 1200 | SALARIES AND BENEFITS | POSITIONS | 129 |
| | FROM GENERAL REVENUE FUND | | 5,271,570 |
| 1201 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 22,277 |
| 1202 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 209,884 |
| 1203 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 28,856 |
| 1205 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 28,753 |
| FIFTH JUDICIAL CIRCUIT | | | |
| 1206 | SALARIES AND BENEFITS | POSITIONS | 62 |
| | FROM GENERAL REVENUE FUND | | 2,490,055 |
| 1207 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 22,000 |
| 1208 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 140,473 |
| 1209 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 3,532 |
| 1211 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 8,197 |
| SIXTH JUDICIAL CIRCUIT | | | |
| 1212 | SALARIES AND BENEFITS | POSITIONS | 177 |
| | FROM GENERAL REVENUE FUND | | 7,222,823 |
| 1213 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 82,867 |
| 1214 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 436,515 |

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| | | |
|------|---|--------|
| 1215 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 60,631 |
| 1217 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 41,857 |

SEVENTH JUDICIAL CIRCUIT

| | | |
|------|---|------------------------------|
| 1218 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | POSITIONS 97 3,835,356 |
| 1219 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 34 |
| 1220 | EXPENSES FROM GENERAL REVENUE FUND | 110,147 |
| 1221 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 4,519 |
| 1222 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 38,646 |

EIGHTH JUDICIAL CIRCUIT

| | | |
|------|---|------------------------------|
| 1223 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | POSITIONS 60 2,431,725 |
| 1224 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 12,919 |
| 1225 | EXPENSES FROM GENERAL REVENUE FUND | 121,430 |
| 1226 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 3,555 |
| 1227 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 9,540 |

NINTH JUDICIAL CIRCUIT

| | | |
|------|---|------------------------------|
| 1228 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | POSITIONS 99 3,994,137 |
| 1229 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 25,000 |
| 1230 | EXPENSES FROM GENERAL REVENUE FUND | 228,460 |
| 1231 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 29,296 |

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| 1233 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 21,177 |
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TENTH JUDICIAL CIRCUIT

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| 1234 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND | 88 3,699,498 |
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| 1235 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 12,580 |
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| 1236 | EXPENSES FROM GENERAL REVENUE FUND | 163,564 |
|------|---|---------|

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| 1237 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 8,026 |
|------|---|-------|

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| 1238 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 7,993 |
|------|---|-------|

ELEVENTH JUDICIAL CIRCUIT

| | | |
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| 1239 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND | 282 12,141,831 |
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| 1240 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 95,217 |
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| 1241 | EXPENSES FROM GENERAL REVENUE FUND | 627,304 |
|------|---|---------|

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| 1242 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 41,905 |
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| 1243 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 78,143 |
|------|---|--------|

TWELFTH JUDICIAL CIRCUIT

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| 1244 | SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND | 76 3,094,436 |
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| 1245 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 38,699 |
|------|--|--------|

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| 1246 | EXPENSES FROM GENERAL REVENUE FUND | 251,236 |
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| 1247 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 35,532 |
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| 1248 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 48,881 |
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THIRTEENTH JUDICIAL CIRCUIT

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| 1249 | SALARIES AND BENEFITS POSITIONS | 164 |
| | FROM GENERAL REVENUE FUND | 6,580,627 |

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| 1250 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 48,954 |
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| 1251 | EXPENSES FROM GENERAL REVENUE FUND | 527,262 |
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| 1252 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 103,110 |
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| 1253 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 24,030 |
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FOURTEENTH JUDICIAL CIRCUIT

| | | |
|------|---|-----------|
| 1254 | SALARIES AND BENEFITS POSITIONS | 34 |
| | FROM GENERAL REVENUE FUND | 1,744,004 |

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| 1255 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 7,101 |
|------|--|-------|

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| 1256 | EXPENSES FROM GENERAL REVENUE FUND | 132,967 |
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| 1257 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 6,742 |
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| 1258 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 25,665 |
|------|---|--------|

FIFTEENTH JUDICIAL CIRCUIT

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| 1259 | SALARIES AND BENEFITS POSITIONS | 164 |
| | FROM GENERAL REVENUE FUND | 6,034,423 |

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| 1260 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 248,199 |
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| 1261 | EXPENSES FROM GENERAL REVENUE FUND | 264,221 |
|------|---|---------|

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| 1262 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 38,502 |
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| 1263 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 7,883 |
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SIXTEENTH JUDICIAL CIRCUIT

| | | |
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| 1264 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | POSITIONS 32 1,286,019 |
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| 1265 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 13,468 |
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| 1266 | EXPENSES FROM GENERAL REVENUE FUND | 85,829 |
|------|---|--------|

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| 1267 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 4,934 |
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| 1268 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 20,586 |
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SEVENTEENTH JUDICIAL CIRCUIT

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| 1269 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | POSITIONS 169 7,266,929 |
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| 1270 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 86,757 |
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| 1271 | EXPENSES FROM GENERAL REVENUE FUND | 449,075 |
|------|---|---------|

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|------|---|--------|
| 1272 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 35,103 |
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| 1273 | SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND | 49,176 |
|------|---|--------|

EIGHTEENTH JUDICIAL CIRCUIT

| | | |
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| 1274 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | POSITIONS 69 2,769,805 |
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| 1275 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 12,953 |
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| 1276 | EXPENSES FROM GENERAL REVENUE FUND | 175,024 |
|------|---|---------|

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| 1277 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 9,789 |
|------|---|-------|

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| | | | |
|------|-------------------------------------|--------|--|
| 1279 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 27,438 | |

NINETEENTH JUDICIAL CIRCUIT

| | | | |
|------|-------------------------------------|-----------|----|
| 1280 | SALARIES AND BENEFITS | POSITIONS | 51 |
| | FROM GENERAL REVENUE FUND | 2,049,110 | |

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|------|-------------------------------------|--------|--|
| 1281 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 10,893 | |

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|------|-------------------------------------|---------|--|
| 1282 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 134,182 | |

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|------|-------------------------------------|--------|--|
| 1283 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 11,188 | |

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|------|-------------------------------------|--------|--|
| 1284 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 41,594 | |

TWENTIETH JUDICIAL CIRCUIT

| | | | |
|------|--|-----------|--------|
| 1285 | SALARIES AND BENEFITS | POSITIONS | 59 |
| | FROM GENERAL REVENUE FUND | 2,248,886 | |
| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 96,179 |

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|------|-------------------------------------|--------|--|
| 1286 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 15,287 | |

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|------|-------------------------------------|---------|--|
| 1287 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 136,154 | |

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|------|-------------------------------------|--------|--|
| 1288 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 22,289 | |

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|------|-------------------------------------|--------|--|
| 1289 | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 14,241 | |

PUBLIC DEFENDERS APPELLATE DIVISION

From the funds in Specific Appropriations 1289A through 1289Y, 11 FTEs and \$517,314 from the General Revenue Fund are provided for Public Defender Appellate Workload. New Assistant Public Defender positions shall be established at a rate not to exceed \$28,385 and funded for 12 months.

SECOND JUDICIAL CIRCUIT

| | | | |
|-------|-------------------------------------|-----------|----|
| 1289A | SALARIES AND BENEFITS | POSITIONS | 26 |
| | FROM GENERAL REVENUE FUND | 1,190,797 | |

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|-------|-------------------------------------|--|--------|
| 1289B | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 7,500 |
| 1289C | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 94,564 |
| 1289D | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 16,053 |
| 1289E | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 14,026 |

SEVENTH JUDICIAL CIRCUIT

| | | | |
|-------|-------------------------------------|-----------|-----------|
| 1289F | SALARIES AND BENEFITS | POSITIONS | 25 |
| | FROM GENERAL REVENUE FUND | | 1,143,789 |
| 1289G | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 2,400 |
| 1289H | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 126,607 |
| 1289I | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 7,383 |
| 1289J | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 12,516 |

TENTH JUDICIAL CIRCUIT

| | | | |
|-------|-------------------------------------|-----------|-----------|
| 1289K | SALARIES AND BENEFITS | POSITIONS | 37 |
| | FROM GENERAL REVENUE FUND | | 1,406,492 |
| 1289L | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 5,744 |
| 1289M | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 128,644 |
| 1289N | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 7,160 |
| 1289O | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 12,688 |

ELEVENTH JUDICIAL CIRCUIT

| | | | |
|-------|-------------------------------------|-----------|-----------|
| 1289P | SALARIES AND BENEFITS | POSITIONS | 18 |
| | FROM GENERAL REVENUE FUND | | 1,118,608 |
| 1289Q | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 9,165 |

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| | | | |
|----------------------------|-------------------------------------|-----------|-----------|
| 1289R | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 86,998 |
| 1289S | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 2,931 |
| 1289T | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 7,367 |
| FIFTEENTH JUDICIAL CIRCUIT | | | |
| 1289U | SALARIES AND BENEFITS | POSITIONS | 29 |
| | FROM GENERAL REVENUE FUND | | 1,879,539 |
| 1289V | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 7,837 |
| 1289W | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 78,543 |
| 1289X | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 4,432 |
| 1289Y | SPECIAL CATEGORIES | | |
| | PUBLIC DEFENDERS - LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 20,248 |

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

From the funds in Specific Appropriations 1290 through 1345, it is estimated that \$4,337,700 is continued from FY 1993-94 to provide 336,676 trips to transportation disadvantaged individuals. The department shall provide, by December 31, 1994, information to the statewide Transportation Disadvantaged Commission on the actual number of trips provided in FY 1993-94 to these individuals and actual expenditures. Information shall also be provided for FY 1994-95 on a year-to-date basis after the first, second and third quarters of FY 1994-95. The information shall be reported in such a manner as to clearly distinguish between those trips provided through coordinated systems established pursuant to Part I of Chapter 427, Florida Statutes, and those provided through other sources. In compiling and transmitting this information, the department will use standard definitions and a standard format to be developed by the statewide Transportation Disadvantaged Commission.

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OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

| | | | | |
|---------------------------------------|--|-----------|-----------|------------|
| 1290 | SALARIES AND BENEFITS | POSITIONS | 349 | |
| | FROM GENERAL REVENUE FUND | | 350,769 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 10,389,709 |
| | FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND | | | 288,734 |
| | FROM REVOLVING TRUST FUND | | | 573,351 |
| 1291 | OTHER PERSONAL SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 79,783 |
| | FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND | | | 16,000 |
| | FROM REVOLVING TRUST FUND | | | 487,946 |
| 1292 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 20,049 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 2,520,875 |
| | FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND | | | 145,000 |
| | FROM REVOLVING TRUST FUND | | | 2,485,058 |
| | FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND | | | 45,880 |
| 1293 | OPERATING CAPITAL OUTLAY | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 26,650 |
| | FROM REVOLVING TRUST FUND | | | 7,197 |
| 1294 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 30,000 |
| 1295 | DATA PROCESSING SERVICES | | | |
| | CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 299,800 |
| | FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND | | | 7,200 |
| PUBLIC EMPLOYEES RELATIONS COMMISSION | | | | |
| 1296 | SALARIES AND BENEFITS | POSITIONS | 43 | |
| | FROM GENERAL REVENUE FUND | | 1,850,274 | |
| 1297 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 101,000 | |
| | FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND | | | 5,000 |
| 1298 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 467,418 | |
| | FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND | | | 48,648 |

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| | | |
|--|--|--------------------------------|
| 1299 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 8,646 |
| 1300 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND | 30,448 |
| OFFICE OF THE JUDGES OF COMPENSATION CLAIMS | | |
| 1301 | SALARIES AND BENEFITS POSITIONS FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | 157 7,549,889 |
| 1302 | OTHER PERSONAL SERVICES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | 407,040 |
| 1303 | EXPENSES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | 1,632,050 |
| 1304 | OPERATING CAPITAL OUTLAY FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | 301,577 |
| WORKERS' COMPENSATION, DIVISION OF | | |
| 1305 | SALARIES AND BENEFITS POSITIONS FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND | 618 19,064,526 1,166,488 |
| 1306 | OTHER PERSONAL SERVICES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | 3,774,809 |
| 1307 | EXPENSES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND | 5,555,871 281,720 |
| <p>From funds provided in Specific Appropriation 1307, the First District Court of Appeal, where practical and feasible, shall use the State Video Teleconferencing Network established by the Department of Management Services to facilitate access to courts for purposes of workers' compensation actions.</p> | | |
| 1308 | OPERATING CAPITAL OUTLAY FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | 1,232,458 |

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1310 DATA PROCESSING SERVICES
 CALDWELL DATA CENTER - DEPARTMENT OF LABOR
 AND EMPLOYMENT SECURITY
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 2,273,895

DIVISION OF SAFETY

1311 SALARIES AND BENEFITS POSITIONS 198
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 7,013,029

1312 EXPENSES
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 2,794,090

1313 OPERATING CAPITAL OUTLAY
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 174,777

1314 SPECIAL CATEGORIES
 ACQUISITION OF MOTOR VEHICLES
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 112,000

1315 DATA PROCESSING SERVICES
 CALDWELL DATA CENTER - DEPARTMENT OF LABOR
 AND EMPLOYMENT SECURITY
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 167,996

LABOR, EMPLOYMENT AND TRAINING, DIVISION OF

1316 SALARIES AND BENEFITS POSITIONS 2,145
 FROM GENERAL REVENUE FUND 1,202,877
 FROM CREW CHIEF REGISTRATION TRUST FUND 704,978
 FROM EMPLOYMENT SECURITY ADMINISTRATION
 TRUST FUND 58,941,072

1317 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 50,000
 FROM EMPLOYMENT SECURITY ADMINISTRATION
 TRUST FUND 4,377,113

1318 EXPENSES
 FROM GENERAL REVENUE FUND 431,705
 FROM CREW CHIEF REGISTRATION TRUST FUND 65,657
 FROM EMPLOYMENT SECURITY ADMINISTRATION
 TRUST FUND 18,718,664

1319 OPERATING CAPITAL OUTLAY
 FROM GENERAL REVENUE FUND 39,868
 FROM CREW CHIEF REGISTRATION TRUST FUND 6,934
 FROM EMPLOYMENT SECURITY ADMINISTRATION
 TRUST FUND 2,265,567

From funds in Specific Appropriations 1316 through

SECTION 1A

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1319, 11 positions and \$481,029 from the General Revenue fund shall be used to promote, register, monitor, and service the state's apprenticeship and training programs and assure that such programs adhere to Chapter 446, Florida Statutes. In addition, the department shall use said funds to establish a cooperative apprenticeship program with Florida's permanent film and television production companies to train disadvantaged youth in the various technical positions particular to the film and television industry.

| | | |
|--|--|---------------------|
| 1320 | SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND | 97,000 |
| 1321 | SPECIAL CATEGORIES GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 10,252,227 |
| 1322 | DATA PROCESSING SERVICES CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 4,530,979 |
| 1323 | DATA PROCESSING SERVICES REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 150,000 |
| UNEMPLOYMENT COMPENSATION, DIVISION OF | | |
| 1324 | SALARIES AND BENEFITS POSITIONS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 1,538 45,583,527 |
| 1325 | OTHER PERSONAL SERVICES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 5,199,191 |
| 1326 | EXPENSES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 10,843,490 |
| 1327 | OPERATING CAPITAL OUTLAY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 2,026,870 |
| 1328 | DATA PROCESSING SERVICES CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 7,146,361 |

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From funds in Specific Appropriation 1326 through 1328, \$36,742 in expense, \$673,470 in operating capital outlay, and \$192,219 in data processing services shall be placed in reserve by the Executive Office of the Governor. These funds shall not be released until the department implements a pilot voice processing system for the claims certification project and completes a detailed analysis of that system. At the minimum, the analysis shall provide an assessment of customer satisfaction with the system and an assessment of the systems ability to control for illegal use. The completed analysis shall be provided to the Executive Office of the Governor and the Information Resource Commission for approval prior to the release of funds.

CALDWELL DATA CENTER

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| 1329 | SALARIES AND BENEFITS | POSITIONS | 182 |
| | FROM GENERAL REVENUE FUND | | 1,749 |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,867 |
| | FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | | 63,950 |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 5,862 |
| | FROM WORKING CAPITAL TRUST FUND | | 6,071,719 |
| | FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | | 17,164 |
| 1330 | OTHER PERSONAL SERVICES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 926,112 |
| 1331 | EXPENSES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 4,475,991 |
| 1332 | OPERATING CAPITAL OUTLAY | | |
| | FROM WORKING CAPITAL TRUST FUND | | 688,527 |

VOCATIONAL REHABILITATION, DIVISION OF

| | | | |
|------|--|-----------|------------|
| 1333 | SALARIES AND BENEFITS | POSITIONS | 1,861 |
| | FROM GENERAL REVENUE FUND | | 7,180,162 |
| | FROM ADMINISTRATIVE TRUST FUND | | 328,492 |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 24,476,163 |
| | FROM POSTAL WORKERS' REHABILITATION TRUST FUND | | 623,504 |
| | FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND | | 1,169,014 |
| | FROM U.S. TRUST FUND | | 22,582,791 |
| 1334 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 23,036 |
| | FROM FEDERAL REHABILITATION TRUST FUND | | 27,656 |
| | FROM U.S. TRUST FUND | | 8,346,567 |
| 1335 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 1,443,730 |

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| | FROM ADMINISTRATIVE TRUST FUND | | 197,417 |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | 5,332,527 |
| | FROM POSTAL WORKERS' REHABILITATION TRUST FUND | | 139,927 |
| | FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND | | 435,826 |
| | FROM U.S. TRUST FUND | | 16,561,583 |
| 1336 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 1,851 | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | 108,313 |
| 1337 | SPECIAL CATEGORIES | | |
| | CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 161,775 | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | 1,397,103 |
| 1338 | SPECIAL CATEGORIES | | |
| | INDEPENDENT LIVING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,165,632 | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | 1,061,436 |
| | The distribution of General Revenue funds in Specific Appropriation 1338 shall be consistent with the Fiscal Year 1993-94 allocation formula. | | |
| 1339 | SPECIAL CATEGORIES | | |
| | PATIENT SERVICES | | |
| | FROM POSTAL WORKERS' REHABILITATION TRUST FUND | | 990,000 |
| 1340 | SPECIAL CATEGORIES | | |
| | PURCHASED CLIENT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 12,973,341 | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | 51,970,032 |
| | FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND | | 15,670,602 |
| 1341 | DATA PROCESSING SERVICES | | |
| | CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY | | |
| | FROM GENERAL REVENUE FUND | 100,901 | |
| | FROM FEDERAL REHABILITATION TRUST FUND . . | | 838,874 |

Funds in Specific Appropriations 1333 through 1341 from the General Revenue Fund that are for matching federal funds are contingent upon the receipt of those federal funds. In the event federal funds are not received, the state funds provided for matching federal funds shall be placed in reserve by the Executive Office of the Governor.

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UNEMPLOYMENT APPEALS COMMISSION

| | | | | |
|------|---|-----------|----|-----------|
| 1342 | SALARIES AND BENEFITS | POSITIONS | 34 | |
| | FROM EMPLOYMENT SECURITY ADMINISTRATION | | | |
| | TRUST FUND | | | 1,453,483 |
| 1343 | OTHER PERSONAL SERVICES | | | |
| | FROM EMPLOYMENT SECURITY ADMINISTRATION | | | |
| | TRUST FUND | | | 37,200 |
| 1344 | EXPENSES | | | |
| | FROM EMPLOYMENT SECURITY ADMINISTRATION | | | |
| | TRUST FUND | | | 313,077 |
| 1345 | OPERATING CAPITAL OUTLAY | | | |
| | FROM EMPLOYMENT SECURITY ADMINISTRATION | | | |
| | TRUST FUND | | | 13,300 |

LAW ENFORCEMENT, DEPARTMENT OF

STAFF SERVICES, DIVISION OF

| | | | | |
|------|--|-----------|-----------|-----------|
| 1346 | SALARIES AND BENEFITS | POSITIONS | 164 | |
| | FROM GENERAL REVENUE FUND | | 6,231,853 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 346,746 |
| | FROM CRIMES AGAINST CHILDREN CRIMINAL | | | |
| | PROFILING TRUST FUND | | | 38,708 |
| | FROM FORFEITURE AND INVESTIGATIVE | | | |
| | SUPPORT TRUST FUND | | | 225,466 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 48,671 |
| | FROM OPERATING TRUST FUND | | | 127,272 |
| 1347 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 46,450 | |
| | FROM FLORIDA LAW ENFORCEMENT ACADEMY | | | |
| | TRUST FUND | | | 85,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 83,147 |
| 1348 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,531,538 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 12,500 |
| | FROM FLORIDA LAW ENFORCEMENT ACADEMY | | | |
| | TRUST FUND | | | 157,950 |
| | FROM FORFEITURE AND INVESTIGATIVE | | | |
| | SUPPORT TRUST FUND | | | 20,170 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 144,717 |
| | FROM OPERATING TRUST FUND | | | 41,936 |
| | FROM REVOLVING TRUST FUND | | | 1,000,000 |
| 1349 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 37,843 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 167,520 |
| 1350 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM GENERAL REVENUE FUND | | 22,400 | |

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| 1351 | SPECIAL CATEGORIES OVERTIME FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 25,000 |
| 1352 | SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND | 55,527 | |
| 1352A | SPECIAL CATEGORIES VIOLENT CRIME INVESTIGATIVE EMERGENCIES FROM GENERAL REVENUE FUND | 500,000 | |
| 1353 | DATA PROCESSING SERVICES LAW ENFORCEMENT DATA CENTER FROM GENERAL REVENUE FUND | 2,439 | |
| CRIMINAL INVESTIGATIONS, DIVISION OF | | | |
| 1354 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | 532 24,127,698 | |
| | POSITIONS FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND | | 511,790 |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 521,318 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 868,645 |
| 1355 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 178,701 | |
| | FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND | | 78,750 |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 101,755 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 90,000 |
| 1356 | EXPENSES FROM GENERAL REVENUE FUND | 5,982,554 | |
| | FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND | | 16,495 |
| | FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND | | 1,247,698 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 535,180 |
| From the funds provided in Specific Appropriation 1356 from the Forfeiture and Investigative Support Trust Fund, up to \$25,000 may be expended for rewards leading to the capture of fugitives, if such funds are available. | | | |
| 1357 | AID TO LOCAL GOVERNMENTS SIDEARMS GRANT FOR METROPOLITAN-DADE LAW ENFORCEMENT FROM GRANTS AND DONATIONS TRUST FUND | | 287,500 |
| 1358 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 117,223 | |

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| | | | |
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| | FROM GRANTS AND DONATIONS TRUST FUND . . . | | 236,875 |
| 1359 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 400,000 | |
| | FROM FORFEITURE AND INVESTIGATIVE | | |
| | SUPPORT TRUST FUND | | 477,600 |
| 1360 | SPECIAL CATEGORIES | | |
| | OVERTIME | | |
| | FROM FORFEITURE AND INVESTIGATIVE | | |
| | SUPPORT TRUST FUND | | 475,000 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 250,000 |
| 1361 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 448,376 | |
| | FROM CRIMES AGAINST CHILDREN CRIMINAL | | |
| | PROFILING TRUST FUND | | 6,240 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 17,450 |
| 1362 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - HURRICANE ANDREW RELIEF | | |
| | - ADMINISTRATIVE ACTIVITIES | | |
| | FROM HURRICANE ANDREW RECOVERY AND | | |
| | REBUILDING TRUST FUND | | 100,000 |
| 1363 | DATA PROCESSING SERVICES | | |
| | LAW ENFORCEMENT DATA CENTER | | |
| | FROM GENERAL REVENUE FUND | 517,949 | |
| | CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION | | |
| | OF | | |
| 1364 | SALARIES AND BENEFITS | POSITIONS | 84 |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,115,023 |
| | FROM CRIMINAL JUSTICE TRAINING TRUST | | |
| | FUND | | 627,382 |
| 1365 | OTHER PERSONAL SERVICES | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 147,788 |
| | FROM CRIMINAL JUSTICE TRAINING TRUST | | |
| | FUND | | 175,000 |
| 1366 | EXPENSES | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 489,918 |
| | FROM CRIMINAL JUSTICE TRAINING TRUST | | |
| | FUND | | 597,564 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 160,000 |

From the funds in Specific Appropriation 1366, the Criminal Justice Standards and Training Commission shall provide to the respective chairmen of the Senate and House Appropriations Committees by September 1, 1994, a plan to address the training requirements for the supply of certified correctional officers for the Department of

SECTION 1A

SPECIFIC APPROPRIATION

Corrections. This plan shall address recruitment, curriculum, training materials, and minimum competencies of students. The plan shall identify policies of the Commission and of training academies which may contribute or detract from the ability of the Department of Corrections to meet its staffing requirements for the appropriated beds.

| | | | |
|-------|---|--------|---------|
| 1367 | OPERATING CAPITAL OUTLAY | | |
| | FROM ADMINISTRATIVE TRUST FUND | 4,868 | |
| | FROM CRIMINAL JUSTICE TRAINING TRUST FUND | | 229,043 |
| 1368 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM ADMINISTRATIVE TRUST FUND | 10,990 | |
| | FROM CRIMINAL JUSTICE TRAINING TRUST FUND | | 28,000 |
| 1368A | DATA PROCESSING SERVICES | | |
| | LAW ENFORCEMENT DATA CENTER | | |
| | FROM CRIMINAL JUSTICE TRAINING TRUST FUND | | 61,304 |

CRIMINAL JUSTICE INFORMATION SYSTEMS, DIVISION OF

Funds in Specific Appropriations 1369 through 1376 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the Department of Health and Rehabilitative Services' and Department of Elder Affairs' vendors shall not exceed \$8.

| | | | | |
|-------|--|-----------|-----------|-----------|
| 1369 | SALARIES AND BENEFITS | POSITIONS | 256 | |
| | FROM GENERAL REVENUE FUND | | 2,626,243 | |
| | FROM OPERATING TRUST FUND | | | 4,193,290 |
| 1370 | OTHER PERSONAL SERVICES | | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 200,000 |
| | FROM OPERATING TRUST FUND | | | 235,000 |
| 1371 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 613,116 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 183,958 |
| | FROM OPERATING TRUST FUND | | | 756,120 |
| 1372 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 11,844 | |
| 1373 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM GENERAL REVENUE FUND | | 33,600 | |
| 1373A | SPECIAL CATEGORIES | | | |
| | OVERTIME | | | |
| | FROM OPERATING TRUST FUND | | | 35,100 |

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| 1374 | SPECIAL CATEGORIES | | |
| | SALARY INCENTIVE PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 2,100 | |
| 1375 | DATA PROCESSING SERVICES | | |
| | LAW ENFORCEMENT DATA CENTER | | |
| | FROM GENERAL REVENUE FUND | 11,695,776 | |
| | FROM FORFEITURE AND INVESTIGATIVE | | |
| | SUPPORT TRUST FUND | | 526,060 |
| | FROM OPERATING TRUST FUND | | 4,428,965 |
| 1376 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION | | |
| | CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM OPERATING TRUST FUND | | 26,740 |
| LAW ENFORCEMENT DATA CENTER | | | |
| 1377 | SALARIES AND BENEFITS | POSITIONS | 83 |
| | FROM WORKING CAPITAL TRUST FUND | | 2,980,258 |
| 1378 | OTHER PERSONAL SERVICES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 800,000 |
| 1379 | EXPENSES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 8,903,178 |
| 1380 | OPERATING CAPITAL OUTLAY | | |
| | FROM WORKING CAPITAL TRUST FUND | | 4,940,261 |
| LOCAL LAW ENFORCEMENT ASSISTANCE, DIVISION OF | | | |
| 1381 | SALARIES AND BENEFITS | POSITIONS | 290 |
| | FROM GENERAL REVENUE FUND | | 11,285,706 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 333,612 |
| 1382 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 130,784 | |
| 1383 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 2,843,547 | |
| | FROM FORFEITURE AND INVESTIGATIVE | | |
| | SUPPORT TRUST FUND | | 562,931 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 238,052 |
| | FROM OPERATING TRUST FUND | | 16,227 |
| 1384 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 31,378 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 245,550 |
| 1385 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM GENERAL REVENUE FUND | 56,000 | |
| | FROM FORFEITURE AND INVESTIGATIVE | | |
| | SUPPORT TRUST FUND | | 22,400 |

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1385A SPECIAL CATEGORIES
 PERFORMANCE ADJUSTMENTS
 FROM GENERAL REVENUE FUND 535,646

From the funds in Specific Appropriation 1385A, \$535,646 from the General Revenue Fund is to be used to implement the Department's crime laboratory expert witness retention and productivity plan and may also be utilized for performance adjustments for the Department's sworn law enforcement personnel.

1386 SPECIAL CATEGORIES
 SALARY INCENTIVE PAYMENTS
 FROM GENERAL REVENUE FUND 11,469

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

The Department of Legal Affairs shall submit a report to the Executive Office of the Governor and legislative appropriations committees itemizing attorney hours and expenditures for all state agency representation for the previous fiscal year, by September 1 of each year.

Within the funds in Specific Appropriations 1388 through 1403A, the Attorney General's office, in consultation with the Florida Association of Realtors, The Florida Bar, and other interested groups, shall make written recommendations by January 1, 1995, to the President of the Senate and the Speaker of the House of Representatives regarding whether the common law doctrine of caveat emptor should continue to be applied to transactions involving the sale or lease of real property, and if not, the appropriate legal principles to apply to such transactions.

From the funds in the Legal Services Trust Fund in Specific Appropriations 1388, 1390, and 1391, 100 FTEs and \$4,190,440, \$894,200, and \$306,160, respectively, are provided for state agency representation. These positions shall be placed initially in reserve by the Executive Office of the Governor and released in accordance with the provisions of Chapter 216, Florida Statutes.

OFFICE OF ATTORNEY GENERAL

| | | | |
|------|---|-----------|------------|
| 1388 | SALARIES AND BENEFITS | POSITIONS | 738 |
| | FROM GENERAL REVENUE FUND | | 16,178,159 |
| | FROM ADMINISTRATIVE TRUST FUND | | 395,884 |
| | FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND | | 318,804 |

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| | | | |
|------|--|-----------|-----------|
| | FROM CONSUMER FRAUDS TRUST FUND | | 122,524 |
| | FROM CRIMES COMPENSATION TRUST FUND | | 2,241,171 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 8,804 |
| | FROM LEGAL SERVICES TRUST FUND | | 8,581,800 |
| | FROM LEGAL AFFAIRS REVOLVING TRUST FUND | | 2,043,948 |
| | FROM MOTOR VEHICLE WARRANTY TRUST FUND | | 800,243 |
| 1389 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 99,743 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 41,430 |
| | FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND | | 38,000 |
| | FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND | | 95,000 |
| | FROM LEGAL SERVICES TRUST FUND | | 800,000 |
| | FROM MOTOR VEHICLE WARRANTY TRUST FUND | | 150,000 |
| 1390 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 2,921,291 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 128,521 |
| | FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND | | 145,445 |
| | FROM CRIMES COMPENSATION TRUST FUND | | 428,686 |
| | FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND | | 107,349 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 27,950 |
| | FROM LEGAL SERVICES TRUST FUND | | 1,860,125 |
| | FROM LEGAL AFFAIRS REVOLVING TRUST FUND | | 11,828 |
| | FROM MOTOR VEHICLE WARRANTY TRUST FUND | | 430,462 |
| 1391 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 27,447 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 392,870 |
| | FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND | | 9,252 |
| | FROM CRIMES COMPENSATION TRUST FUND | | 141,565 |
| | FROM LEGAL SERVICES TRUST FUND | | 306,160 |
| | FROM MOTOR VEHICLE WARRANTY TRUST FUND | | 4,752 |
| 1392 | SPECIAL CATEGORIES | | |
| | ATTORNEY GENERAL'S LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | 211,010 | |
| 1393 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - ASSISTANCE TO CITIZEN CRIME PREVENTION ORGANIZATIONS | | |
| | FROM GENERAL REVENUE FUND | 63,996 | |

From the funds in Specific Appropriation 1393, the Department shall contract for a financial audit by an independent CPA and a performance audit. The audit results shall be reported to the Executive Office of the Governor and chairmen of the legislative appropriations committees.

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SPECIFIC APPROPRIATION

1394 SPECIAL CATEGORIES
 GRANTS AND AIDS - ASSISTANCE FOR CRIME
 PREVENTION IN THE BLACK COMMUNITY
 FROM GENERAL REVENUE FUND 429,163

From the funds in Specific Appropriation 1394, the department shall ensure that a financial and performance audit by an independent CPA is provided. The audit results shall be reported to the Executive Office of the Governor and the chairmen of the legislative appropriations committees.

1394A SPECIAL CATEGORIES
 TASK FORCE FOR THE REVIEW OF THE CRIMINAL
 JUSTICE AND CORRECTIONS SYSTEM
 FROM GRANTS AND DONATIONS TRUST FUND 104,246

1395 SPECIAL CATEGORIES
 ANTITRUST INVESTIGATIONS
 FROM LEGAL AFFAIRS REVOLVING TRUST FUND 1,470,011

1396 SPECIAL CATEGORIES
 CONSUMER FRAUD INVESTIGATIONS
 FROM CONSUMER FRAUDS TRUST FUND 528,290
 FROM LEGAL AFFAIRS REVOLVING TRUST FUND 134,126

From the funds in Specific Appropriations 1388 and 1396, 4 FTEs and \$165,680 and \$59,611, respectively, from the Legal Affairs Revolving Trust Fund are contingent upon passage of Senate Bill 2288 or similar legislation.

1397 SPECIAL CATEGORIES
 LITIGATION EXPENSES
 FROM GENERAL REVENUE FUND 46,500

1397A SPECIAL CATEGORIES
 URBAN LEAGUE/JUVENILE JUSTICE
 FROM GENERAL REVENUE FUND 1,000,000

From the funds in Specific Appropriation 1397A, the department shall ensure that a financial and performance audit by an independent CPA is provided. The audit results shall be reported to the Executive Office of the Governor and the chairmen of the legislative appropriations committees.

1397B SPECIAL CATEGORIES
 TASK FORCE/REVIEW ARTICLE V
 FROM GENERAL REVENUE FUND 300,000

Funds provided in Specific Appropriation 1397B are contingent upon the passage of HB 409 or similar legislation requiring a study of Article V of the

SECTION 1A

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Florida Constitution.

| | | | |
|-------|--|---------|---------|
| 1398 | SPECIAL CATEGORIES RICO INVESTIGATIONS FROM LEGAL AFFAIRS REVOLVING TRUST FUND | | 725,227 |
| 1399 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM LEGAL AFFAIRS REVOLVING TRUST FUND | | 7,448 |
| 1399A | DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND | 100,000 | |

OFFICE OF STATEWIDE PROSECUTION

| | | | |
|-------|---|--|--------|
| 1400 | SALARIES AND BENEFITS POSITIONS 34 FROM GENERAL REVENUE FUND 1,941,568 FROM GRANTS AND DONATIONS TRUST FUND | | 88,654 |
| 1401 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 16,291 FROM GRANTS AND DONATIONS TRUST FUND | | 77,000 |
| 1402 | EXPENSES FROM GENERAL REVENUE FUND 250,309 FROM GRANTS AND DONATIONS TRUST FUND | | 69,072 |
| 1403 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND 3,126 | | |
| 1403A | DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND 36,000 | | |

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 1404 and 1405 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

From the amounts provided in Specific Appropriations 1404 and 1405, \$1,500 shall be paid to each member of the Florida Legislature each month during Fiscal Year 1994-95 as the intradistrict expense allowance and, in addition to the funds contained in any other proviso, \$250 shall be paid to the President of the Florida Senate and the Speaker of the House of Representatives each month during Fiscal Year 1994-95 as an additional supplemental intradistrict expense allowance. This expense allowance and additional supplement was approved by the Joint

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Legislative Management Committee on November 29, 1993, pursuant to s. 11.13(4), Florida Statutes.

SENATE

| | | |
|------|-------------------------------------|------------|
| 1404 | LUMP SUM | |
| | SENATE | |
| | FROM GENERAL REVENUE FUND | 27,461,992 |

From the amount provided in Specific Appropriation 1404, \$250 shall be paid each month during Fiscal Year 1994-95 as a supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to two full time district staff employees, has a third district staff employee on 16 or more calendar days in any such month. An additional \$250 shall be paid each month during Fiscal Year 1994-95 as an additional supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to three full time district staff employees, has a fourth district staff employee on 16 or more calendar days in any such month. These supplements were approved by the Joint Legislative Management Committee on November 29, 1993, pursuant to s. 11.13(4), Florida Statutes.

HOUSE OF REPRESENTATIVES

| | | |
|------|-------------------------------------|------------|
| 1405 | LUMP SUM | |
| | HOUSE | |
| | FROM GENERAL REVENUE FUND | 45,567,568 |

JOINT MANAGEMENT

| | | |
|------|--|---------|
| 1406 | LUMP SUM | |
| | LOBBY REGISTRATION | |
| | FROM LEGISLATIVE LOBBYIST REGISTRATION | |
| | TRUST FUND | 171,101 |

| | | |
|------|------------------------------------|---------|
| 1407 | LUMP SUM | |
| | HURRICANE ANDREW 94-95 | |
| | FROM HURRICANE ANDREW RECOVERY AND | |
| | REBUILDING TRUST FUND | 100,000 |

| | | |
|------|-------------------------------------|------------|
| 1408 | LUMP SUM | |
| | JLMC | |
| | FROM GENERAL REVENUE FUND | 22,901,808 |

ADMINISTRATIVE PROCEDURES COMMITTEE

| | | |
|------|-------------------------------------|-----------|
| 1409 | LUMP SUM | |
| | ADMINISTRATIVE PROCEDURES | |
| | FROM GENERAL REVENUE FUND | 1,119,466 |

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LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

| | | | |
|------|-------------------------------------|---------|--|
| 1410 | LUMP SUM | | |
| | IRC | | |
| | FROM GENERAL REVENUE FUND | 477,634 | |

ENVIRONMENTAL EDUCATION, ADVISORY COUNCIL ON

| | | | |
|------|-----------------------------------|--|---------|
| 1411 | LUMP SUM | | |
| | ENVIRONMENTAL EDUCATION | | |
| | FROM SAVE OUR STATE ENVIRONMENTAL | | |
| | EDUCATION TRUST FUND | | 395,850 |

COMMISSION ON JUVENILE JUSTICE

| | | | |
|------|--|---------|--|
| 1412 | LUMP SUM | | |
| | JUVENILE JUSTICE REFORM - BOBBY M | | |
| | ASSESSMENT AND CONTINUUM IMPLEMENTATION, | | |
| | PHASE-IN | | |
| | FROM GENERAL REVENUE FUND | 278,514 | |

INTERGOVERNMENTAL RELATIONS, ADVISORY COUNCIL ON

| | | | |
|------|-------------------------------------|---------|--|
| 1413 | LUMP SUM | | |
| | ACIR | | |
| | FROM GENERAL REVENUE FUND | 646,889 | |

OFFICE OF PUBLIC COUNSEL

| | | | |
|------|-------------------------------------|-----------|--|
| 1414 | LUMP SUM | | |
| | PUBLIC COUNSEL | | |
| | FROM GENERAL REVENUE FUND | 2,616,451 | |

ETHICS, COMMISSION ON

| | | | |
|------|--|--|---------|
| 1415 | LUMP SUM | | |
| | LOBBY REGISTRATION | | |
| | FROM EXECUTIVE BRANCH LOBBY REGISTRATION | | |
| | TRUST FUND | | 114,935 |

| | | | |
|------|-------------------------------------|-----------|--|
| 1416 | LUMP SUM | | |
| | ETHICS COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 1,349,282 | |

AUDITOR GENERAL

| | | | |
|------|---|------------|-----------|
| 1417 | LUMP SUM | | |
| | AUDITOR GENERAL | | |
| | FROM GENERAL REVENUE FUND | 38,249,150 | |
| | FROM FEDERAL REIMBURSEMENT TRUST FUND | | 7,033,113 |

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AUDITING COMMITTEE

1417A LUMP SUM

SHORT TERM AND LONG TERM CARE SERVICES FOR THE ELDERLY COMMISSION

| | | |
|-------------------------------------|-----------|---------|
| | POSITIONS | 4 |
| FROM GENERAL REVENUE FUND | | 750,000 |

Funds in Specific Appropriation 1417A are provided to create the Commission on Long-Term Care in Florida, which for administrative purposes, is assigned to the Joint Legislative Management Committee. The commission shall consist of 18 members with the President of the Senate, the Speaker of the House of Representatives, and the Governor appointing four members each. In addition to these appointments, the Director of the Agency for Health Care Administration, the Chairperson of the State Long-Term Care Ombudsman Council and the Secretaries of the Department of Elderly Affairs, the Department of Health and Rehabilitative Services, the Department of Insurance, and the Department of Labor and Employment Security, or a designee of any of these officials, shall serve as members of the commission. A chairperson and vice chairperson shall be elected by the members. Members of the commission shall serve without compensation but are entitled to receive reimbursement for per diem and travel as provided in section 112.061, F.S. The commission must submit its first report on December 1, 1994, to the President of the Senate, Speaker of the House of Representatives, and the chairpersons of relevant substantive and appropriations committees of each house of the Legislature.

1418 LUMP SUM

AUDITING COMMITTEE

| | |
|-------------------------------------|---------|
| FROM GENERAL REVENUE FUND | 275,273 |
|-------------------------------------|---------|

LOTTERY, DEPARTMENT OF THE

Funds in Specific Appropriation 1419 through 1428 shall not be expended for sales incentive payments to employees of the department.

| | | | |
|--|-----------|-----|------------|
| 1419 SALARIES AND BENEFITS | POSITIONS | 737 | |
| FROM ADMINISTRATIVE TRUST FUND | | | 25,616,558 |

| | | | |
|--|--|--|---------|
| 1420 OTHER PERSONAL SERVICES | | | |
| FROM ADMINISTRATIVE TRUST FUND | | | 940,999 |

| | | | |
|--|--|--|------------|
| 1421 EXPENSES | | | |
| FROM ADMINISTRATIVE TRUST FUND | | | 16,423,880 |

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| | | | |
|------|---|--|------------|
| 1422 | OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND | | 5,116,844 |
| 1423 | SPECIAL CATEGORIES INSTANT TICKET PURCHASE FROM ADMINISTRATIVE TRUST FUND | | 8,896,505 |
| 1424 | SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM ADMINISTRATIVE TRUST FUND | | 33,572,961 |
| 1425 | SPECIAL CATEGORIES ONLINE GAMES CONTRACT FROM ADMINISTRATIVE TRUST FUND | | 37,373,600 |
| 1426 | SPECIAL CATEGORIES RETAILER INCENTIVES FROM ADMINISTRATIVE TRUST FUND | | 2,500,000 |
| 1427 | SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM ADMINISTRATIVE TRUST FUND | | 19,583 |
| 1428 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ADMINISTRATIVE TRUST FUND | | 6,498 |

MANAGEMENT SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF
ADMINISTRATION

| | | | | |
|------|--|-----------|---------|-----------|
| 1429 | SALARIES AND BENEFITS | POSITIONS | 118 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 4,454,141 |
| 1430 | OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND | | | 28,955 |
| 1431 | EXPENSES FROM GENERAL REVENUE FUND | | 387,773 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 865,223 |
| 1432 | OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND | | | 112,970 |
| 1433 | LUMP SUM CORRECTIONAL PRIVATIZATION COMMISSION | | | |
| | | POSITIONS | 4 | |
| | FROM GENERAL REVENUE FUND | | 400,000 | |

From funds provided in Specific Appropriation 1433 \$50,000 is for the issuance of requests for proposal pursuant to Chapter 957 by the Commission for one facility which shall be designed to have a minimum capacity of 1,318 beds and to house close custody

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and medium security inmates.

From funds provided in Specific Appropriation 1433, \$50,000 is for the issuance of requests for proposal pursuant to Chapter 957 by the Correctional Privatization Commission for three facilities which shall be designed to have a minimum capacity of 350 beds each and to house inmates sentenced as youthful offenders.

This proviso constitutes specific legislative authorization for the Correctional Privatization Commission to enter into contracts with contractors for the designing, financing, acquiring, leasing, constructing, and operating of three private youthful offender facilities, and one adult prison facility.

| | | |
|-------|---|---------|
| 1433A | SPECIAL CATEGORIES CONTRACTED SERVICES FROM ADMINISTRATIVE TRUST FUND | 200,000 |
|-------|---|---------|

| | | |
|-------|--|-----------|
| 1433B | SPECIAL CATEGORIES CORRECTIONAL PRIVATIZATION OPERATIONS CONTRACTS FROM GRANTS AND DONATIONS TRUST FUND . . . | 1,900,000 |
|-------|--|-----------|

From funds provided in Specific Appropriation 1433B, the Department of Management Services shall charge no management fee or cost in the administration of the funds appropriated herein that would reduce the funds available for the payment of the obligations of the Correctional Privatization Commission. The Correctional Privatization Commission shall submit its budget request each year for its obligations under the Operation and Management Services Contract and Lease-Purchase Agreement, pursuant to section 216,023, Florida Statutes.

| | | |
|------|---|--------|
| 1434 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ADMINISTRATIVE TRUST FUND | 49,930 |
|------|---|--------|

INFORMATION RESOURCE COMMISSION

| | | |
|------|--|----------------------------|
| 1435 | SALARIES AND BENEFITS FROM GENERAL REVENUE FUND | POSITIONS 15 923,651 |
|------|--|----------------------------|

| | | |
|------|---|--------|
| 1436 | OTHER PERSONAL SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . . | 13,429 |
|------|---|--------|

| | | |
|------|---|---------|
| 1437 | EXPENSES FROM GENERAL REVENUE FUND | 145,788 |
|------|---|---------|

| | | |
|------|---|-------|
| 1438 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 1,470 |
|------|---|-------|

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APPROPRIATION

1440A SPECIAL CATEGORIES

STUDY FOR RE-ENGINEERING AND CONSOLIDATION
OF PRIMARY STATE DATA CENTERS
FROM GRANTS AND DONATIONS TRUST FUND . . .

1,142,681

Funds in Specific Appropriation 1440A are to be used by the Information Resource Commission (IRC) to contract for a baseline assessment for all state data centers and for support of IRC requirements for budget recommendations and Information Technology Resource Purchasing Advisory Council reviews. A request for proposal will be prepared and issued by the IRC that requests the contractor to provide recommendations for state data centers that will streamline operations, eliminate excess capacity at multiple facilities, provide for migration to different architectures, provide for standardization and fewer facilities. Deliverables will also include executive summaries and presentations for the legislature. The IRC will report the results of the assessments and detailed recommendations to the Legislature by December 31, 1994. The recommendations will include identifying data centers which may be effectively consolidated to include at least two of the state data centers to be consolidated in an initial phase, as well as efficiency measures which could be implemented in the remaining data centers. In developing these recommendations, the IRC shall take into consideration the following data centers and other computing facilities: Revenue Management Information Center, State Comptroller's Data Center, Treasurer's Management Information Center, Caldwell Data Center, HRS Data Center, Justice Data Center, Kirkman Data Center, Law Enforcement Data Center, Agriculture Management Information Center, Burns Data Center, Environmental Regulation (Twin Towers), Natural Resources Data Center, Administrative Management Information Center (Technology Resource Center), Corporations Data Center, Elections Data Center, Licensing Data Center, Health Care Cost Containment, Tolls Data Center, Emergency Management, Retirement Data Center, Business and Professional Regulation, State Board of Administration and State Library.

STATE EMPLOYEES' INSURANCE, DIVISION OF

| | | | | |
|------|---|-----------|----|-----------|
| 1441 | SALARIES AND BENEFITS | POSITIONS | 84 | |
| | FROM PRETAX BENEFITS TRUST FUND | | | 823,045 |
| | FROM STATE EMPLOYEES LIFE INSURANCE | | | |
| | TRUST FUND | | | 57,034 |
| | FROM STATE EMPLOYEES HEALTH INSURANCE | | | |
| | TRUST FUND | | | 1,533,399 |
| | FROM STATE EMPLOYEES DISABILITY | | | |
| | INSURANCE TRUST FUND | | | 30,497 |

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APPROPRIATION

| | | | |
|-------------------------|---|------------|-----|
| 1442 | OTHER PERSONAL SERVICES | | |
| | FROM PRETAX BENEFITS TRUST FUND | 64,750 | |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 28,000 | |
| 1443 | EXPENSES | | |
| | FROM PRETAX BENEFITS TRUST FUND | 816,020 | |
| | FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND | 27,468 | |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 1,237,289 | |
| | FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND | 43,347 | |
| 1444 | OPERATING CAPITAL OUTLAY | | |
| | FROM PRETAX BENEFITS TRUST FUND | 165,108 | |
| | FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND | 11,637 | |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 520,475 | |
| | FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND | 6,037 | |
| 1445 | SPECIAL CATEGORIES | | |
| | ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE | | |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 10,922,172 | |
| 1446 | SPECIAL CATEGORIES | | |
| | PRESCRIPTION DRUG CLAIMS ADMINISTRATION | | |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 942,903 | |
| 1447 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION 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 | 490,050 | |
| | FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND | 52,272 | |
| PURCHASING, DIVISION OF | | | |
| 1448 | SALARIES AND BENEFITS | POSITIONS | 122 |
| | FROM GENERAL REVENUE FUND | 3,212,473 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | 104,253 | |
| | FROM RECYCLABLE MATERIALS TRUST FUND | 291,767 | |
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | 626,895 | |
| 1449 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 10,000 | |

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| | | | |
|-----------------------------------|--|-----------|-----------|
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | | 8,000 |
| 1450 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 749,624 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 50,639 |
| | FROM RECYCLABLE MATERIALS TRUST FUND | | 113,396 |
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | | 236,804 |
| 1451 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 6,732 | |
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | | 210,935 |
| 1452 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | | 50,000 |
| 1453 | SPECIAL CATEGORIES | | |
| | CONTRACTED SERVICES | | |
| | FROM GENERAL REVENUE FUND | 162,000 | |
| 1454 | SPECIAL CATEGORIES | | |
| | LABORATORY CONTRACT | | |
| | FROM GENERAL REVENUE FUND | 148,466 | |
| | FROM RECYCLABLE MATERIALS TRUST FUND | | 100,000 |
| 1455 | SPECIAL CATEGORIES | | |
| | REFURBISH SURPLUS PROPERTY | | |
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | | 10,000 |
| 1456 | DATA PROCESSING SERVICES | | |
| | STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE | | |
| | FROM GENERAL REVENUE FUND | 3,465 | |
| 1457 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM GENERAL REVENUE FUND | 88,956 | |
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | | 5,808 |
| INFORMATION SERVICES, DIVISION OF | | | |
| 1458 | SALARIES AND BENEFITS | POSITIONS | 90 |
| | FROM GENERAL REVENUE FUND | | 383,500 |
| | FROM WORKING CAPITAL TRUST FUND | | 3,247,596 |
| 1459 | OTHER PERSONAL SERVICES | | |
| | FROM WORKING CAPITAL TRUST FUND | | 835,500 |
| 1460 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 753,098 | |

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| | | | |
|------|---|--------|-----------|
| | FROM WORKING CAPITAL TRUST FUND | | 5,731,319 |
| 1461 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 22,145 | |
| | FROM WORKING CAPITAL TRUST FUND | | 3,442,454 |

Funds in Specific Appropriations 1458 through 1461 may be adjusted by the Executive Office of the Governor to provide services to users as appropriated. The department shall submit a budget amendment to the Executive Office of the Governor by November 1, 1994, to request amendments necessary to balance the funds budgeted in Specific Appropriations 1458 through 1461 to those appropriations made to user agencies.

FACILITIES MANAGEMENT, DIVISION OF

| | | | | |
|------|--|-----------|---------|------------|
| 1462 | SALARIES AND BENEFITS | POSITIONS | 566 | |
| | FROM GENERAL REVENUE FUND | | 157,252 | |
| | FROM PAID PARKING TRUST FUND | | | 193,291 |
| | FROM SUPERVISION TRUST FUND | | | 12,910,060 |
| 1463 | OTHER PERSONAL SERVICES | | | |
| | FROM SUPERVISION TRUST FUND | | | 470,971 |

From funds provided in Specific Appropriation 1463, \$150,000 is provided for the Department of Management Services to contract for a study to identify criteria for determining whether it is cost effective and in the best interest of the state to lease, lease/purchase, or purchase private office buildings or parking facilities versus the construction of new state office buildings under the state bonding program or parking facilities. This study shall take into consideration but not be limited to age of structure, condition, ancillary services, depreciation, impact on local property taxes, building code requirements, infrastructure impact, parking, location, and expansion. For purposes of establishing a standard for the study, the prototype state office building of 100,000 net square feet of office space developed by the Department of Management Services shall be used. The study shall be provided to the Executive Office of the Governor, President of the Senate, and Speaker of the House of Representatives by November 1, 1994. Utilizing the criteria identified in the study, the Department of Management Services shall review all proposals presented to the state prior to November 1, 1994, for lease, lease/purchase, or purchase of private office buildings or parking facilities in Leon County and make recommendations to the Governor and the Legislature as to whether it is cost effective and in the best interest of the state to accept the offer or construct a new state office building or parking facility.

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|------|--|---------|-----------|
| 1464 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 133,327 | |
| | FROM PAID PARKING TRUST FUND | | 85,643 |
| | FROM SUPERVISION TRUST FUND | | 5,971,840 |

From funds provided in Specific Appropriation 1464 from the Supervision Trust Fund, up to \$30,000 is provided for the Facilities Operations and Maintenance Program to lease parking spaces in close proximity to the McCarty Building in Winter Park to relieve congestion during peak client service periods.

| | | | |
|------|--|-------|---------|
| 1465 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 4,279 | |
| | FROM PAID PARKING TRUST FUND | | 465 |
| | FROM SUPERVISION TRUST FUND | | 316,037 |

| | | | |
|------|--|-------|------------|
| 1466 | SPECIAL CATEGORIES | | |
| | STATE UTILITY PAYMENTS | | |
| | FROM GENERAL REVENUE FUND | 6,452 | |
| | FROM PAID PARKING TRUST FUND | | 256,253 |
| | FROM SUPERVISION TRUST FUND | | 11,508,436 |

| | | | |
|------|--|--|--------|
| 1467 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM PAID PARKING TRUST FUND | | 47,451 |
| | FROM SUPERVISION TRUST FUND | | 25,001 |

BUILDING CONSTRUCTION, DIVISION OF

| | | | | |
|------|---|-----------|----|-----------|
| 1468 | SALARIES AND BENEFITS | POSITIONS | 53 | |
| | FROM ARCHITECTS INCIDENTAL TRUST FUND . . | | | 2,332,805 |

| | | | |
|------|---|--|---------|
| 1469 | EXPENSES | | |
| | FROM ARCHITECTS INCIDENTAL TRUST FUND . . | | 708,826 |

| | | | |
|------|---|--|-------|
| 1470 | OPERATING CAPITAL OUTLAY | | |
| | FROM ARCHITECTS INCIDENTAL TRUST FUND . . | | 4,744 |

| | | | |
|------|---|--|---------|
| 1471 | SPECIAL CATEGORIES | | |
| | CONTRACTED SERVICES | | |
| | FROM ARCHITECTS INCIDENTAL TRUST FUND . . | | 250,000 |

| | | | |
|------|--|--|--------|
| 1472 | DATA PROCESSING SERVICES | | |
| | BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION | | |
| | FROM ARCHITECTS INCIDENTAL TRUST FUND . . | | 26,730 |

| | | | |
|------|--|--|--------|
| 1473 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM ARCHITECTS INCIDENTAL TRUST FUND . . | | 10,993 |

Funds in Specific Appropriation 1468 through 1473

SECTION 1A

SPECIFIC APPROPRIATION

For the operation of the Division of Building Construction, are based on an assessment against each fixed capital outlay appropriation in which the division serves as owner-representative on behalf of the state. The assessments for appropriations made for the 1994-95 Fiscal Year shall be calculated in accordance with a revised formula submitted by the division to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

CAPITOL POLICE, DIVISION OF

| | | | | |
|------|--|-----------|-----|-----------|
| 1474 | SALARIES AND BENEFITS | POSITIONS | 162 | |
| | FROM SUPERVISION TRUST FUND | | | 3,919,228 |
| 1475 | EXPENSES | | | |
| | FROM SUPERVISION TRUST FUND | | | 350,263 |
| 1476 | OPERATING CAPITAL OUTLAY | | | |
| | FROM SUPERVISION TRUST FUND | | | 4,904 |
| 1477 | SPECIAL CATEGORIES | | | |
| | SALARY INCENTIVE PAYMENTS | | | |
| | FROM SUPERVISION TRUST FUND | | | 37,861 |
| 1478 | DATA PROCESSING SERVICES | | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION | | | |
| | CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | | |
| | FROM SUPERVISION TRUST FUND | | | 6,969 |

MOTOR POOL, DIVISION OF

| | | | | |
|------|---|-----------|---------|---------|
| 1479 | SALARIES AND BENEFITS | POSITIONS | 44 | |
| | FROM GENERAL REVENUE FUND | | 357,508 | |
| | FROM BUREAU OF AIRCRAFT TRUST FUND | | | 792,354 |
| | FROM MOTOR VEHICLE OPERATING TRUST FUND | | | 483,394 |
| 1480 | OTHER PERSONAL SERVICES | | | |
| | FROM BUREAU OF AIRCRAFT TRUST FUND | | | 14,420 |
| | FROM MOTOR VEHICLE OPERATING TRUST FUND | | | 4,760 |
| 1481 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 50,028 | |
| | FROM BUREAU OF AIRCRAFT TRUST FUND | | | 994,229 |
| | FROM MOTOR VEHICLE OPERATING TRUST FUND | | | 570,925 |
| 1482 | OPERATING CAPITAL OUTLAY | | | |
| | FROM BUREAU OF AIRCRAFT TRUST FUND | | | 2,921 |
| | FROM MOTOR VEHICLE OPERATING TRUST FUND | | | 34,920 |
| 1483 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM MOTOR VEHICLE OPERATING TRUST FUND | | | 289,124 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|--|--|---------|------------------|
| 1484 | SPECIAL CATEGORIES PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES FROM MOTOR VEHICLE OPERATING TRUST FUND | | 450,000 |
| 1485 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM BUREAU OF AIRCRAFT TRUST FUND FROM MOTOR VEHICLE OPERATING TRUST FUND | | 9,494 370,158 |
| PERSONNEL MANAGEMENT SERVICES, DIVISION OF | | | |
| 1486 | SALARIES AND BENEFITS POSITIONS | 105 | |
| | FROM GENERAL REVENUE FUND | 604,722 | |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | | 174,120 |
| | FROM STATE PERSONNEL SYSTEM TRUST FUND | | 3,593,784 |
| 1487 | OTHER PERSONAL SERVICES FROM STATE PERSONNEL SYSTEM TRUST FUND | | 720,000 |
| 1488 | EXPENSES FROM GENERAL REVENUE FUND | 170,414 | |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | | 12,654 |
| | FROM STATE EMPLOYEES CHILD CARE REVOLVING TRUST FUND | | 15,885 |
| | FROM STATE PERSONNEL SYSTEM TRUST FUND | | 1,406,615 |
| 1489 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 647 | |
| | FROM STATE PERSONNEL SYSTEM TRUST FUND | | 13,253 |
| 1490 | SPECIAL CATEGORIES CONTRACTED SERVICES FROM STATE PERSONNEL SYSTEM TRUST FUND | | 151,060 |
| 1493 | SPECIAL CATEGORIES STATE EMPLOYEE'S CHARITABLE CAMPAIGN FROM STATE PERSONNEL SYSTEM TRUST FUND | | 20,000 |
| 1494 | DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND | 903,762 | |
| | FROM STATE PERSONNEL SYSTEM TRUST FUND | | 1,682,316 |

Funds in Specific Appropriations 1486 through 1494 from the State Personnel System Trust Fund are based upon a personnel assessment of \$59 per person.

SECTION 1A
 SPECIFIC
 APPROPRIATION

RETIREMENT, DIVISION OF

| | | | | |
|------|--|-----------|---------|-----------|
| 1495 | SALARIES AND BENEFITS | POSITIONS | 219 | |
| | FROM GENERAL REVENUE FUND | | 227,458 | |
| | FROM OPERATING TRUST FUND | | | 7,066,954 |
| | FROM OPTIONAL RETIREMENT PROGRAM TRUST | | | |
| | FUND | | | 36,874 |
| | FROM RETIREE HEALTH INSURANCE SUBSIDY | | | |
| | TRUST FUND | | | 27,961 |
| 1496 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 2,000 | |
| | FROM OPERATING TRUST FUND | | | 86,343 |
| 1497 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 5,106 | |
| | FROM FLORIDA RETIREMENT SYSTEM TRUST | | | |
| | FUND | | | 9,642 |
| | FROM OPERATING TRUST FUND | | | 3,002,744 |
| | FROM OPTIONAL RETIREMENT PROGRAM TRUST | | | |
| | FUND | | | 51,332 |
| | FROM RETIREE HEALTH INSURANCE SUBSIDY | | | |
| | TRUST FUND | | | 15,556 |
| 1498 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 243 | |
| | FROM OPERATING TRUST FUND | | | 790,566 |
| 1499 | SPECIAL CATEGORIES | | | |
| | CONTRACTED SERVICES | | | |
| | FROM OPERATING TRUST FUND | | | 400,000 |
| 1500 | DATA PROCESSING SERVICES | | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION | | | |
| | CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 4,955 | |
| | FROM OPERATING TRUST FUND | | | 1,488,561 |
| | FROM OPTIONAL RETIREMENT PROGRAM TRUST | | | |
| | FUND | | | 9,801 |

Funds in Specific Appropriations 1495, 1497, and 1500 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.

COMMUNICATIONS, DIVISION OF

| | | | | |
|------|---|-----------|---------|-----------|
| 1501 | SALARIES AND BENEFITS | POSITIONS | 119 | |
| | FROM GENERAL REVENUE FUND | | 671,537 | |
| | FROM COMMUNICATIONS SURVEY TRUST FUND | | | 94,414 |
| | FROM COMMUNICATIONS WORKING CAPITAL | | | |
| | TRUST FUND | | | 3,214,083 |
| | FROM LAW ENFORCEMENT RADIO SYSTEM TRUST | | | |
| | FUND | | | 764,650 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|---|--|--------|------------|
| 1502 | OTHER PERSONAL SERVICES | | |
| | FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND | | 57,995 |
| | FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND | | 36,850 |
| 1503 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 73,830 | |
| | FROM COMMUNICATIONS SURVEY TRUST FUND | | 70,179 |
| | FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND | | 879,539 |
| | FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND | | 4,312,366 |
| 1504 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 4,370 | |
| | FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND | | 224,481 |
| | FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND | | 945 |
| 1505 | SPECIAL CATEGORIES | | |
| | CENTREX AND SUNCOM PAYMENTS | | |
| | FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND | | 58,037,174 |
| 1506 | SPECIAL CATEGORIES | | |
| | MAINTENANCE OF EXISTING LAW ENFORCEMENT RADIO SYSTEM | | |
| | FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND | | 500,000 |
| <p>From funds in Specific Appropriation 1501 through 1504 and 1506 from the Law Enforcement Radio System Trust Fund, the division shall report to the Governor, Cabinet, and Legislature by December 31, 1994, on the status of the Statewide Law Enforcement Radio System Pilot Project. The report shall include the Joint Task Force's recommendation for the final system design, timeframe for statewide deployment and revenue requirements to complete the system.</p> | | | |
| 1507 | DATA PROCESSING SERVICES | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES | | |
| | FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND | | 1,028,162 |
| 1508 | DATA PROCESSING SERVICES | | |
| | REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM | | |
| | FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND | | 950 |

SECTION 1A

SPECIFIC APPROPRIATION

COMMISSION ON HUMAN RELATIONS

| | | | | |
|------|--|-----------|-----------|---------|
| 1509 | SALARIES AND BENEFITS | POSITIONS | 48 | |
| | FROM GENERAL REVENUE FUND | | 1,147,510 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 413,393 |
| 1510 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 12,690 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 73,788 |
| 1511 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 152,862 | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 149,870 |
| 1512 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 17,220 | |
| 1513 | SPECIAL CATEGORIES | | | |
| | CONTRACTED SERVICES | | | |
| | FROM GRANTS AND DONATIONS TRUST FUND | | | 36,000 |

ADMINISTRATIVE HEARINGS, DIVISION OF

| | | | | |
|------|--|-----------|----|-----------|
| 1514 | SALARIES AND BENEFITS | POSITIONS | 62 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 3,842,936 |
| 1515 | OTHER PERSONAL SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 204,019 |
| 1516 | EXPENSES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 662,195 |

From funds in Specific Appropriations 1514 and 1516, the division is authorized to enter into contracts with water management districts and regional planning councils setting an hourly rate for hearing officer services and for reimbursement of hearing officer travel expenses attributable to hearings conducted on behalf of those districts.

| | | | | |
|-------|--|-----------|---------|--------|
| 1517 | OPERATING CAPITAL OUTLAY | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 14,698 |
| 1517A | LUMP SUM | | | |
| | ADMINISTRATIVE HEARINGS PILOT PROGRAM - COURT REPORTING SERVICES | | | |
| | | POSITIONS | 3 | |
| | FROM GENERAL REVENUE FUND | | 231,018 | |

Funds provided in Specific Appropriation 1517A are for implementation of a pilot in-house court reporting program to provide court reporting services to all state agencies for administrative hearing proceedings and other proceedings, including depositions, as personnel resources allow. This program shall operate on a reimbursement basis with

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Department of Administrative Hearings (DOAH) billing state agencies according to their respective usage. The DOAH shall, in cooperation with the Office of the Attorney General, compile and submit a report to the Speaker of the House, President of the Senate and chairmen of the House and Senate Appropriations Committees by October 1, 1995, regarding the number of hearing/deposition hours, number of transcription hours, number of pages transcribed and the number of certified copies, by agency, provided by the in-house court reporting staff for the period July 1, 1994, through June 30, 1995. Cost savings realized by the state as a result of the in-house program and recommendations for expansion or deletion of the program shall accompany this report.

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

| | | | | |
|------|--|-----------|-----------|-----------|
| 1518 | SALARIES AND BENEFITS | POSITIONS | 153 | |
| | FROM GENERAL REVENUE FUND | | 3,644,369 | |
| | FROM ARMORY BOARD TRUST FUND | | | 1,327,241 |
| 1519 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 200,000 | |
| 1520 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 3,466,058 | |
| | FROM ARMORY BOARD TRUST FUND | | | 157,298 |
| 1521 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 155,000 | |

CAMP BLANDING MANAGEMENT

| | | | | |
|------|--|-----------|----|-----------|
| 1523 | SALARIES AND BENEFITS | POSITIONS | 96 | |
| | FROM CAMP BLANDING MANAGEMENT TRUST FUND | | | 2,495,609 |
| 1524 | OTHER PERSONAL SERVICES | | | |
| | FROM CAMP BLANDING MANAGEMENT TRUST FUND | | | 81,295 |
| 1525 | EXPENSES | | | |
| | FROM CAMP BLANDING MANAGEMENT TRUST FUND | | | 888,339 |

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

| | | | | |
|------|-------------------------------------|--|--------|--|
| 1526 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 49,198 | |

PAROLE COMMISSION

| | | | | |
|------|-------------------------------------|-----------|-----------|--|
| 1527 | SALARIES AND BENEFITS | POSITIONS | 222 | |
| | FROM GENERAL REVENUE FUND | | 7,986,550 | |

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APPROPRIATION

| | | |
|-------|---|-----------|
| 1528 | OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND | 105,907 |
| 1529 | EXPENSES FROM GENERAL REVENUE FUND | 1,621,978 |
| 1530 | OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND | 93,286 |
| 1532 | DATA PROCESSING SERVICES LAW ENFORCEMENT DATA CENTER FROM GENERAL REVENUE FUND | 1,899 |
| 1532A | DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND | 699,462 |

PUBLIC SERVICE COMMISSION

| | | | | |
|------|---|-----------|-----|------------|
| 1533 | SALARIES AND BENEFITS | POSITIONS | 408 | |
| | FROM REGULATORY TRUST FUND | | | 17,699,158 |
| 1534 | OTHER PERSONAL SERVICES FROM REGULATORY TRUST FUND | | | 400,419 |

From funds in Specific Appropriation 1534, \$30,000 from the Regulatory Trust Fund shall be placed in reserve until the commission documents, through a budget amendment, the need for obtaining a private audit due to the inability of the Auditor General to conduct its own audit during the fiscal year.

| | | |
|------|--|-----------|
| 1535 | EXPENSES FROM REGULATORY TRUST FUND | 4,164,415 |
| 1536 | OPERATING CAPITAL OUTLAY FROM REGULATORY TRUST FUND | 450,491 |

From funds provided in Specific Appropriations 1533, 1535 and 1536, one position and \$56,259 in salaries and benefits and \$6,960 in expense and \$3,028 in operating capital outlay shall be used to establish an Office of Conservation Technologies which shall report to the Executive Director of the Public Service Commission and shall be responsible for providing technical and policy support to the commission on matters pertaining to energy efficiency, renewable energy resources and related conservation technologies and services.

| | | |
|------|---|--------|
| 1537 | SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM REGULATORY TRUST FUND | 44,005 |
|------|---|--------|

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|------|--------------------------------------|--|-----------|
| 1538 | SPECIAL CATEGORIES | | |
| | RELOCATION FROM FLETCHER BUILDING | | |
| | FROM REGULATORY TRUST FUND | | 2,755,923 |

From funds in Specific Appropriation 1538, \$385,019 shall be placed in reserve until which time the commission can satisfactorily document the cost effectiveness of fiber optic computer cabling. Upon the provision of such documentation, these funds may be released as provided in Chapter 216, Florida Statutes. Further, these funds are appropriated from the unencumbered cash balance of the Regulatory Trust Fund and shall not be incorporated as a part of routine cost allocations to specific industries.

| | | | |
|------|--------------------------------------|--|--------|
| 1539 | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM REGULATORY TRUST FUND | | 84,887 |

REVENUE, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

| | | | | |
|------|--|-----------|-----------|-----------|
| 1540 | SALARIES AND BENEFITS | POSITIONS | 137 | |
| | FROM GENERAL REVENUE FUND | | 3,076,942 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 1,588,862 |
| | FROM CORPORATION TAX ADMINISTRATION TRUST FUND | | | 9,944 |

| | | | |
|------|--|--|--------|
| 1541 | OTHER PERSONAL SERVICES | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 44,556 |

| | | | |
|------|--|--------|-----------|
| 1542 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 71,402 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 1,427,269 |

| | | | |
|------|--|--|--------|
| 1543 | OPERATING CAPITAL OUTLAY | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 39,013 |

| | | | |
|------|-------------------------------------|--------|--|
| 1545 | SPECIAL CATEGORIES | | |
| | LITIGATION EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 50,000 | |

| | | | |
|------|--|--|---------|
| 1548 | DATA PROCESSING SERVICES | | |
| | REVENUE MANAGEMENT INFORMATION CENTER | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 922,235 |

AD VALOREM TAX, DIVISION OF

| | | | | |
|------|--|-----------|-----|-----------|
| 1549 | SALARIES AND BENEFITS | POSITIONS | 150 | |
| | FROM INTANGIBLE TAX TRUST FUND | | | 5,860,753 |

| | | | |
|------|--|--|---------|
| 1550 | OTHER PERSONAL SERVICES | | |
| | FROM INTANGIBLE TAX TRUST FUND | | 262,031 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|----------------------------|--|------------|------------|
| 1551 | EXPENSES | | |
| | FROM INTANGIBLE TAX TRUST FUND | | 1,331,440 |
| 1552 | OPERATING CAPITAL OUTLAY | | |
| | FROM INTANGIBLE TAX TRUST FUND | | 7,805 |
| 1553 | DATA PROCESSING SERVICES | | |
| | REVENUE MANAGEMENT INFORMATION CENTER | | |
| | FROM INTANGIBLE TAX TRUST FUND | | 173,968 |
| GENERAL TAX ADMINISTRATION | | | |
| 1553A | LUMP SUM | | |
| | GENERAL TAX ADMINISTRATION | | |
| | | POSITIONS | 2,703 |
| | FROM GENERAL REVENUE FUND | 71,318,521 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 41,528,355 |
| | FROM CORPORATION TAX ADMINISTRATION | | |
| | TRUST FUND | | 1,536,474 |
| | FROM GRANTS AND DONATIONS TRUST FUND | | 182,113 |

From funds provided in Specific Appropriation 1553A the Taxpayer Registration and Education program shall increase by 19 percent the number of returns filed correctly by first time filers. The program shall increase the percentage of dollars collected voluntarily to 97.25 percent compared to total dollars collected.

From funds provided in Specific Appropriation 1553A the Return/Remittance Processing program shall maintain at 94 percent the accuracy of initial distribution of revenue to state agencies and local governments.

From funds provided in Specific Appropriation 1553A the Return/Remittance Reconciliation program shall reduce the number of department and taxpayer induced errors by 8 percent. The program shall increase to 93 percent the billings and delinquencies issued accurately.

From funds provided in Specific Appropriation 1553A the Identify Liability - Registered Taxpayer program shall maintain the amount of final recovery at 78 percent of the original taxpayer assessment.

From funds provided in Specific Appropriation 1553A the Identify Liability - Unregistered Taxpayers program shall increase by 7.5 percent the number of contacts that end in taxpayer registration and shall increase by 37 percent collections per contact.

From funds provided in Specific Appropriation 1553A the Collections program shall increase the collections of taxpayer liability to 90 percent.

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From funds provided in Specific Appropriation 1553A the Adjudication program shall increase the Notices of Decision by 30 percent. The program shall decrease by 33 percent the average number of days to resolve a case by the end of the fiscal year.

REVENUE MANAGEMENT INFORMATION CENTER

| | | | | |
|------|--|-----------|----|-----------|
| 1564 | SALARIES AND BENEFITS | POSITIONS | 36 | |
| | FROM WORKING CAPITAL TRUST FUND | | | 1,019,699 |
| 1565 | OTHER PERSONAL SERVICES | | | |
| | FROM WORKING CAPITAL TRUST FUND | | | 17,680 |
| 1566 | EXPENSES | | | |
| | FROM WORKING CAPITAL TRUST FUND | | | 1,938,611 |
| 1567 | OPERATING CAPITAL OUTLAY | | | |
| | FROM WORKING CAPITAL TRUST FUND | | | 2,124,761 |
| 1568 | DATA PROCESSING SERVICES | | | |
| | ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM WORKING CAPITAL TRUST FUND | | | 854,573 |

INFORMATION SYSTEMS AND SERVICES, DIVISION OF

| | | | | |
|------|---|-----------|-----------|-----------|
| 1569 | SALARIES AND BENEFITS | POSITIONS | 114 | |
| | FROM GENERAL REVENUE FUND | | 2,773,452 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 1,271,610 |
| | FROM CORPORATION TAX ADMINISTRATION TRUST FUND | | | 347,810 |
| 1570 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | 800,000 | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 595,628 |
| | FROM CORPORATION TAX ADMINISTRATION TRUST FUND | | | 700,000 |
| 1571 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | 319,105 | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 562,753 |
| | FROM CORPORATION TAX ADMINISTRATION TRUST FUND | | | 47,806 |
| 1572 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | 6,056 | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 4,327 |
| 1573 | DATA PROCESSING SERVICES | | | |
| | REVENUE MANAGEMENT INFORMATION CENTER FROM ADMINISTRATIVE TRUST FUND | | | 2,519,345 |

Funds provided in Specific Appropriations 1569 through 1571 for the System for Unified Taxation are contingent upon the development of a detailed plan,

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including phasing between deliverables, and a quality assurance program with acceptance testing standards. These project management techniques are to be developed in consultation with the Information Resource Commission.

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 s. 216, Florida Statutes, funds in Specific Appropriations 1584 through 1616, appropriated for payment of the salaries of judges, their personal staff, court reporters, and retired judges 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 s. 216.221 (3), Florida Statutes.

SUPREME COURT

| | | | | |
|------|--|-----------|-----------|---------|
| 1584 | SALARIES AND BENEFITS | POSITIONS | 152 | |
| | FROM GENERAL REVENUE FUND | | 6,702,302 | |
| | FROM COURT EDUCATION TRUST FUND | | | 426,690 |
| | FROM MEDIATION AND ARBITRATION TRUST FUND | | | 201,574 |
| 1585 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 141,012 | |
| | FROM COURT EDUCATION TRUST FUND | | | 85,000 |
| | FROM MEDIATION AND ARBITRATION TRUST FUND | | | 215,000 |
| 1586 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,121,327 | |
| | FROM COURT EDUCATION TRUST FUND | | | 844,455 |
| | FROM MEDIATION AND ARBITRATION TRUST FUND | | | 96,670 |
| | FROM APPELLATE OPINION DISTRIBUTION TRUST FUND | | | 12,249 |

No general revenue funds in Specific Appropriation 1586 shall be used for out-of-state educational programs for judges/justices. General revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriations 1585 and 1586 up to \$5,000 and \$160,000, respectively, from the Court Education Trust Fund, may be used to fund a spring conference for the Florida Conference of Circuit Judges, as approved by the Chief Justice.

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| 1587 | OPERATING CAPITAL OUTLAY | |
| | FROM GENERAL REVENUE FUND | 13,945 |
| | FROM MEDIATION AND ARBITRATION TRUST FUND | 17,310 |
| 1588 | SPECIAL CATEGORIES | |
| | DISCRETIONARY FUNDS OF THE CHIEF JUSTICE | |
| | FROM GENERAL REVENUE FUND | 5,000 |

Funds in Specific Appropriation 1588 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice. The Chief Justice shall submit a report to the Legislature by September 1 of each year which states the specific expenses paid with these funds in the prior year.

| | | |
|------|-------------------------------------|---------|
| 1589 | SPECIAL CATEGORIES | |
| | SUPREME COURT LAW LIBRARY | |
| | FROM GENERAL REVENUE FUND | 247,749 |
| 1590 | SPECIAL CATEGORIES | |
| | COMPUTER SUBSCRIPTION SERVICES | |
| | FROM GENERAL REVENUE FUND | 150,000 |
| 1591 | DATA PROCESSING SERVICES | |
| | JUSTICE DATA CENTER | |
| | FROM GENERAL REVENUE FUND | 412,780 |

Of the funds in Specific Appropriation 1591, \$263,092 is provided for the Court's direct and shared cost of continuation and enhancement of the Justice Data Center and \$149,688 is for the completion of the Statewide Criminal Justice Network serving the criminal justice community. Any funds not expended through journal transfer shall revert at the close of fiscal year 1994-95.

| | | |
|-------|-------------------------------------|---------|
| 1592A | DATA PROCESSING SERVICES | |
| | OTHER DATA PROCESSING SERVICES | |
| | FROM GENERAL REVENUE FUND | 330,202 |

ADMINISTERED FUNDS - JUDICIAL

| | | |
|------|-------------------------------------|-----------|
| 1594 | SPECIAL CATEGORIES | |
| | COMPENSATION TO RETIRED JUDGES | |
| | FROM GENERAL REVENUE FUND | 1,028,696 |

The funds in Specific Appropriation 1594 are calculated at a rate of \$200 per judge day. The Chief Justice shall report quarterly to the chairmen of the appropriations committees any exercise of his

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discretion pursuant to 91-256, Laws of Florida, compensating retired judges in the courts at a rate higher than \$200 per day. The report shall include the rate paid per judge per day, the number of days purchased, and the calculation of any corresponding reduction in the ability to purchase judge days.

1595 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 13,690

1596 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 554,145

From the funds in Specific Appropriation 1596, \$92,220 is contingent upon passage of Senate Bill 1950 or similar legislation authorizing new judgeships.

1597 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 158,772

JUSTICE DATA CENTER

1598 SALARIES AND BENEFITS POSITIONS 27
FROM WORKING CAPITAL TRUST FUND 1,050,305

1599 EXPENSES
FROM WORKING CAPITAL TRUST FUND 2,888,732

1600 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 1,441,060

DISTRICT COURTS OF APPEAL

1602 SALARIES AND BENEFITS POSITIONS 390
FROM GENERAL REVENUE FUND 22,817,003

1603 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 369,146

1604 EXPENSES
FROM GENERAL REVENUE FUND 1,674,830

1605 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 86,413

1606 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 475,362

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| | | | |
|------|-------------------------------------|-----------|--|
| 1607 | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 1,032,841 | |

CIRCUIT COURTS

| | | | |
|------|-------------------------------------|------------|-------|
| 1608 | SALARIES AND BENEFITS | POSITIONS | 1,313 |
| | FROM GENERAL REVENUE FUND | 85,678,453 | |

From the funds in Specific Appropriation 1608 and 1610, \$910,000 and \$90,000, respectively, from the General Revenue Fund and 20 FTEs are to provide one alternative sanctions coordinator in each of the 20 judicial circuits. The alternative sanctions coordinator shall serve under the direction of the administrative judge of the juvenile division as directed by the chief judge of the circuit pursuant to SB 68. Salary and benefit dollars are provided for 12 months.

| | | | |
|------|-------------------------------------|---------|--|
| 1610 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 855,158 | |

No general revenue funds in Specific Appropriation 1610 shall be used for out-of-state educational programs for judges/justices. General revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriations 1608 and 1610, 16 FTEs and \$645,802, and \$18,000, respectively, are contingent upon passage of Senate Bill 1950 or similar legislation authorizing new judgeships.

| | | | |
|-------|---|-----------|-----------|
| 1611A | LUMP SUM | | |
| | FAMILY COURTS | | |
| | | POSITIONS | 100 |
| | FROM FAMILY COURTS TRUST FUND | | 4,500,000 |

Funds and positions provided in Specific Appropriation 1611A are contingent upon the passage of substantive legislation which creates the Family Courts Program and also the Family Courts Trust Fund. Funds and positions shall be placed initially in reserve and only released when recurring revenues to the trust fund are sufficient to fund the positions.

| | | | |
|------|---------------------------------------|---------|--|
| 1612 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - PUBLIC GUARDIANSHIP | | |
| | FROM GENERAL REVENUE FUND | 102,252 | |

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|------|-------------------------------------|--|-------|
| 1613 | SPECIAL CATEGORIES | | |
| | CIRCUIT COURT LAW LIBRARY | | |
| | FROM GENERAL REVENUE FUND | | 2,000 |

COUNTY COURTS

| | | | |
|------|-------------------------------------|-----------|------------|
| 1614 | SALARIES AND BENEFITS | POSITIONS | 504 |
| | FROM GENERAL REVENUE FUND | | 36,741,563 |

| | | | |
|------|-------------------------------------|--|---------|
| 1615 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 210,903 |

No funds in Specific Appropriation 1615 shall be used for out-of-state judicial educational programs for judges/justices. General revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriations 1614 and 1615, 8 FTEs and \$295,275 and \$2,400, respectively, are contingent upon passage of Senate Bill 1950 or similar legislation authorizing new judgeships.

| | | | |
|------|---|--|---------|
| 1616 | SPECIAL CATEGORIES | | |
| | ADDITIONAL COMPENSATION FOR COUNTY JUDGES | | |
| | FROM GENERAL REVENUE FUND | | 330,855 |

Funds are provided in Specific Appropriation 1616 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.

JUDICIAL QUALIFICATIONS COMMISSION

| | | | |
|------|-------------------------------------|-----------|--------|
| 1617 | SALARIES AND BENEFITS | POSITIONS | 2 |
| | FROM GENERAL REVENUE FUND | | 85,539 |

| | | | |
|------|-------------------------------------|--|---------|
| 1618 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | | 145,342 |

| | | | |
|------|-------------------------------------|--|--------|
| 1619 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 87,452 |

| | | | |
|------|-------------------------------------|--|-------|
| 1620 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | | 8,086 |

| | | | |
|------|-------------------------------------|--|---------|
| 1621 | LUMP SUM | | |
| | LITIGATION EXPENSES | | |
| | FROM GENERAL REVENUE FUND | | 133,300 |

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Funds in Specific Appropriation 1621 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.

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF
ADMINISTRATIVE SERVICES

| | | | | |
|-------|---|-----------|-----------|---------|
| 1622 | SALARIES AND BENEFITS | POSITIONS | 73 | |
| | FROM GENERAL REVENUE FUND | | 2,529,177 | |
| | FROM CORPORATIONS TRUST FUND | | | 121,629 |
| | FROM PUBLICATIONS REVOLVING TRUST FUND | | | 97,927 |
| 1623 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 1,850 | |
| 1624 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 361,256 | |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | | | 190,856 |
| 1625 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 14,209 | |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | | | 25,250 |
| | FROM PUBLICATIONS REVOLVING TRUST FUND | | | 34,000 |
| 1625A | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM GENERAL REVENUE FUND | | 17,000 | |
| 1626 | DATA PROCESSING SERVICES | | | |
| | OTHER DATA PROCESSING SERVICES | | | |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | | | 38,353 |

ELECTIONS, DIVISION OF

| | | | | |
|------|--|-----------|-----------|---------|
| 1627 | SALARIES AND BENEFITS | POSITIONS | 67 | |
| | FROM GENERAL REVENUE FUND | | 1,504,905 | |
| | FROM ELECTIONS COMMISSION TRUST FUND | | | 393,303 |
| | FROM PUBLICATIONS REVOLVING TRUST FUND | | | 264,219 |
| 1628 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 20,000 | |
| | FROM ELECTION CAMPAIGN FINANCING TRUST FUND | | | 27,962 |
| | FROM ELECTIONS COMMISSION TRUST FUND | | | 30,000 |
| | FROM PUBLICATIONS REVOLVING TRUST FUND | | | 17,018 |
| 1629 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 155,879 | |

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| | FROM OPERATING TRUST FUND | | 73,800 |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | | 40,971 |
| 1638 | SPECIAL CATEGORIES | | |
| | ACQUISITION OF MOTOR VEHICLES | | |
| | FROM OPERATING TRUST FUND | | 23,000 |
| 1639 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - HISTORIC MUSEUM GRANTS | | |
| | FROM MUSEUM OF FLORIDA HISTORY TRUST FUND | | 500,000 |
| 1640 | SPECIAL CATEGORIES | | |
| | HISTORIC PRESERVATION GRANTS | | |
| | FROM HISTORIC PRESERVATION TRUST FUND | | 2,349,276 |
| 1641 | DATA PROCESSING SERVICES | | |
| | OTHER DATA PROCESSING SERVICES | | |
| | FROM GENERAL REVENUE FUND | 34,746 | |
| CORPORATIONS, DIVISION OF | | | |
| 1642 | SALARIES AND BENEFITS | POSITIONS | 195 |
| | FROM CORPORATIONS TRUST FUND | | 5,302,974 |
| 1643 | EXPENSES | | |
| | FROM CORPORATIONS TRUST FUND | | 2,627,403 |
| 1644 | OPERATING CAPITAL OUTLAY | | |
| | FROM CORPORATIONS TRUST FUND | | 758,879 |
| 1645 | SPECIAL CATEGORIES | | |
| | RICO ACT - ALIEN CORPORATIONS | | |
| | FROM CORPORATIONS TRUST FUND | | 514,702 |
| LIBRARY AND INFORMATION SERVICES, DIVISION OF | | | |
| 1646 | SALARIES AND BENEFITS | POSITIONS | 123 |
| | FROM GENERAL REVENUE FUND | | 2,306,306 |
| | FROM LIBRARY SERVICES TRUST FUND | | 577,463 |
| | FROM RECORDS MANAGEMENT TRUST FUND | | 947,982 |
| 1647 | OTHER PERSONAL SERVICES | | |
| | FROM GENERAL REVENUE FUND | 28,542 | |
| | FROM LIBRARY SERVICES TRUST FUND | | 18,938 |
| | FROM RECORDS MANAGEMENT TRUST FUND | | 22,511 |
| 1648 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 1,752,106 | |
| | FROM LIBRARY SERVICES TRUST FUND | | 487,077 |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | | 415,201 |
| | FROM RECORDS MANAGEMENT TRUST FUND | | 594,282 |

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| | | | |
|-------------------------------|---|------------|-----------|
| 1650 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY GRANTS | | |
| | FROM GENERAL REVENUE FUND | 25,000,000 | |
| | FROM LIBRARY SERVICES TRUST FUND | | 3,390,043 |
| 1651 | OPERATING CAPITAL OUTLAY | | |
| | FROM GENERAL REVENUE FUND | 14,984 | |
| | FROM LIBRARY SERVICES TRUST FUND | | 15,612 |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | | 84,450 |
| | FROM RECORDS MANAGEMENT TRUST FUND | | 74,128 |
| 1652 | SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES | | |
| | FROM RECORDS MANAGEMENT TRUST FUND | | 11,880 |
| 1653 | SPECIAL CATEGORIES LIBRARY RESOURCES | | |
| | FROM GENERAL REVENUE FUND | 361,389 | |
| | FROM LIBRARY SERVICES TRUST FUND | | 370,741 |
| CULTURAL AFFAIRS, DIVISION OF | | | |
| 1654 | SALARIES AND BENEFITS POSITIONS | 21 | |
| | FROM GENERAL REVENUE FUND | 505,205 | |
| | FROM FINE ARTS COUNCIL TRUST FUND | | 211,250 |
| 1655 | OTHER PERSONAL SERVICES | | |
| | FROM FINE ARTS COUNCIL TRUST FUND | | 32,380 |
| | FROM CULTURAL INSTITUTIONS TRUST FUND | | 58,500 |
| | FROM SCIENCE MUSEUM TRUST FUND | | 21,000 |
| 1656 | EXPENSES | | |
| | FROM GENERAL REVENUE FUND | 132,158 | |
| | FROM COCONUT GROVE PLAYHOUSE TRUST FUND | | 206,541 |
| | FROM FINE ARTS COUNCIL TRUST FUND | | 159,183 |
| | FROM CULTURAL INSTITUTIONS TRUST FUND | | 79,305 |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | | 3,300 |
| | FROM SCIENCE MUSEUM TRUST FUND | | 28,275 |
| | FROM YOUTH AND CHILDREN'S MUSEUM TRUST FUND | | 4,387 |
| 1657 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ARTS GRANTS | | |
| | FROM GENERAL REVENUE FUND | 2,102,119 | |
| | FROM FINE ARTS COUNCIL TRUST FUND | | 417,279 |
| | FROM CULTURAL INSTITUTIONS TRUST FUND | | 250,000 |
| 1658 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SCIENCES GRANTS | | |
| | FROM SCIENCE MUSEUM TRUST FUND | | 500,000 |

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| 1658A | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLORIDA'S CROSS AND SWORD FROM CULTURAL INSTITUTIONS TRUST FUND . . . | 75,000 |
| 1659 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS FROM YOUTH AND CHILDREN'S MUSEUM TRUST FUND | 250,000 |
| <p>From funds provided in Specific Appropriation 1659, the department shall first fund all qualified Children and Youth Museum applications. In the event there are any funds remaining after funding all qualified Children and Youth Museum applications, the remaining balance of Specific Appropriation 1659 may be allocated to Arts in Education Grant applications.</p> | | |
| 1660 | OPERATING CAPITAL OUTLAY FROM FINE ARTS COUNCIL TRUST FUND FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND | 15,000 6,000 |
| 1661 | SPECIAL CATEGORIES GRANTS AND AIDS - ART ENDOWMENT GRANTS FROM CULTURAL INSTITUTIONS TRUST FUND . . . | 2,160,000 |
| 1663 | SPECIAL CATEGORIES GRANTS AND AIDS - CHALLENGE GRANTS FROM CULTURAL INSTITUTIONS TRUST FUND . . . | 300,000 |
| 1664 | SPECIAL CATEGORIES GRANTS AND AIDS - CULTURAL INSTITUTIONS FROM CULTURAL INSTITUTIONS TRUST FUND . . . | 6,795,872 |
| 1665 | SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES FROM GENERAL REVENUE FUND 128,655 FROM CULTURAL INSTITUTIONS TRUST FUND . . . | 151,345 |
| 1665A | SPECIAL CATEGORIES GRANTS AND AIDS - STATE TOURING PROGRAM FROM CULTURAL INSTITUTIONS TRUST FUND . . . | 200,000 |

From Funds provided in Specific Appropriation 1665A, the first priority for the issuance of grants shall be given to applicants who reside in counties with a population of 50,000 or less.

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LICENSING, DIVISION OF

| | | | | |
|------|---|-----------|-----|-----------|
| 1666 | SALARIES AND BENEFITS | POSITIONS | 140 | |
| | FROM DIVISION OF LICENSING TRUST FUND | | | 4,066,374 |
| 1667 | OTHER PERSONAL SERVICES | | | |
| | FROM DIVISION OF LICENSING TRUST FUND | | | 324,185 |
| 1668 | EXPENSES | | | |
| | FROM DIVISION OF LICENSING TRUST FUND | | | 6,866,032 |
| 1669 | OPERATING CAPITAL OUTLAY | | | |
| | FROM DIVISION OF LICENSING TRUST FUND | | | 87,305 |
| 1670 | SPECIAL CATEGORIES | | | |
| | ACQUISITION OF MOTOR VEHICLES | | | |
| | FROM DIVISION OF LICENSING TRUST FUND | | | 16,890 |
| 1671 | SPECIAL CATEGORIES | | | |
| | FINGER PRINT PROCESSING | | | |
| | FROM DIVISION OF LICENSING TRUST FUND | | | 990,000 |

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

| | | | | |
|------|-------------------------------------|-----------|---------|---------|
| 1672 | SALARIES AND BENEFITS | POSITIONS | 14 | |
| | FROM GENERAL REVENUE FUND | | 409,887 | |
| 1673 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 53,304 | |
| | FROM OPERATING TRUST FUND | | | 11,000 |
| 1674 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 17,274 | |
| | FROM OPERATING TRUST FUND | | | 157,073 |
| 1675 | OPERATING CAPITAL OUTLAY | | | |
| | FROM OPERATING TRUST FUND | | | 55,250 |

HISTORIC ST AUGUSTINE PRESERVATION BOARD

| | | | | |
|------|-------------------------------------|-----------|---------|---------|
| 1676 | SALARIES AND BENEFITS | POSITIONS | 25 | |
| | FROM GENERAL REVENUE FUND | | 561,298 | |
| | FROM OPERATING TRUST FUND | | | 159,563 |
| 1677 | OTHER PERSONAL SERVICES | | | |
| | FROM OPERATING TRUST FUND | | | 84,950 |
| 1678 | EXPENSES | | | |
| | FROM OPERATING TRUST FUND | | | 200,101 |
| 1679 | OPERATING CAPITAL OUTLAY | | | |
| | FROM OPERATING TRUST FUND | | | 28,727 |

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HISTORIC TALLAHASSEE PRESERVATION BOARD

| | | | | |
|------|---------------------------|-----------|---------|---------|
| 1680 | SALARIES AND BENEFITS | POSITIONS | 5 | |
| | FROM GENERAL REVENUE FUND | | 173,036 | |
| | FROM OPERATING TRUST FUND | | | 5,621 |
| 1681 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 4,275 | |
| 1682 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 788 | |
| | FROM OPERATING TRUST FUND | | | 110,691 |

HISTORIC FLORIDA KEYS PRESERVATION BOARD

| | | | | |
|------|---------------------------|-----------|--------|--------|
| 1684 | SALARIES AND BENEFITS | POSITIONS | 2 | |
| | FROM GENERAL REVENUE FUND | | 82,068 | |
| | FROM OPERATING TRUST FUND | | | 10,663 |
| 1685 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 7,508 | |
| | FROM OPERATING TRUST FUND | | | 87,139 |

HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

| | | | | |
|------|---------------------------|-----------|---------|--------|
| 1687 | SALARIES AND BENEFITS | POSITIONS | 6 | |
| | FROM GENERAL REVENUE FUND | | 126,723 | |
| | FROM OPERATING TRUST FUND | | | 63,781 |
| 1688 | OTHER PERSONAL SERVICES | | | |
| | FROM GENERAL REVENUE FUND | | 2,000 | |
| | FROM OPERATING TRUST FUND | | | 43,537 |
| 1689 | EXPENSES | | | |
| | FROM OPERATING TRUST FUND | | | 78,675 |
| 1690 | OPERATING CAPITAL OUTLAY | | | |
| | FROM OPERATING TRUST FUND | | | 1,374 |

HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

| | | | | |
|------|---------------------------|-----------|--------|--------|
| 1691 | SALARIES AND BENEFITS | POSITIONS | 2 | |
| | FROM GENERAL REVENUE FUND | | 54,915 | |
| | FROM OPERATING TRUST FUND | | | 11,363 |
| 1692 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 11,785 | |
| | FROM OPERATING TRUST FUND | | | 8,475 |
| 1693 | OPERATING CAPITAL OUTLAY | | | |
| | FROM GENERAL REVENUE FUND | | 114 | |

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RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

| | | | |
|------|--|-----------|-----------|
| 1694 | SALARIES AND BENEFITS | POSITIONS | 61 |
| | FROM GENERAL REVENUE FUND | | 1,678,583 |
| 1695 | OPERATING CAPITAL OUTLAY | | |
| | FROM PUBLIC ACCESS DATA SYSTEMS TRUST | | |
| | FUND | | 26,500 |
| 1696 | SPECIAL CATEGORIES | | |
| | RESTORATION/CONSERVATION - ART ACQUISITION | | |
| | - JOHN AND MABLE RINGLING MUSEUM OF ART | | |
| | FROM INVESTMENT TRUST FUND | | 200,000 |

TRANSPORTATION, DEPARTMENT OF

FINANCE AND ADMINISTRATION

| | | | |
|------|---|-----------|------------|
| 1697 | SALARIES AND BENEFITS | POSITIONS | 1,844 |
| | FROM STATE TRANSPORTATION (PRIMARY) | | |
| | TRUST FUND | | 58,936,760 |
| | FROM TRANSPORTATION DISADVANTAGED TRUST | | |
| | FUND | | 587,261 |
| 1698 | OTHER PERSONAL SERVICES | | |
| | FROM STATE TRANSPORTATION (PRIMARY) | | |
| | TRUST FUND | | 9,403,315 |
| | FROM TRANSPORTATION DISADVANTAGED TRUST | | |
| | FUND | | 10,000 |
| 1699 | EXPENSES | | |
| | FROM STATE TRANSPORTATION (PRIMARY) | | |
| | TRUST FUND | | 27,862,783 |
| | FROM TRANSPORTATION DISADVANTAGED TRUST | | |
| | FUND | | 154,803 |

From funds in Specific Appropriations 1697 and 1699, 2 positions, \$58,084, and \$81,574, respectively, from the State Transportation (Primary) Trust Fund for the Mayport Ferry shall be funded from toll revenues and the share of the State Comprehensive Enhanced Transportation System Tax allocated to District 2 that would otherwise be available for Duval County.

From the funds in Specific Appropriations 1697 through 1699 and 2022, it is estimated that \$16,450,086 is continued from FY 1993-94 to provide 1,560,875 trips to transportation disadvantaged individuals. The department shall provide, by December 31, 1994, information to the statewide Transportation Disadvantaged Commission on the actual number of trips provided in FY 1993-94 to these individuals and actual expenditures. Information shall also be provided for FY 1994-95 on

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a year-to-date basis after the first, second and third quarters of FY 1994-95. The information shall be reported in such a manner as to clearly distinguish between those trips provided through coordinated systems established pursuant to Part I of Chapter 427, Florida Statutes and those provided through other sources. In compiling and transmitting this information, the department will use standard definitions and a standard format to be developed by the statewide Transportation Disadvantaged Commission.

| | | |
|------|---|-----------|
| 1700 | OPERATING CAPITAL OUTLAY | |
| | FROM STATE TRANSPORTATION (PRIMARY) | |
| | TRUST FUND | 9,453,391 |
| | FROM TRANSPORTATION DISADVANTAGED TRUST | |
| | FUND | 18,925 |

Specific Appropriation 1700 includes \$162,700 for the department to purchase automated document imaging equipment for project files. These funds are contingent upon the department reverting the funds appropriated for this project in 1993-94 as of June 30, 1994. Reversions in the Finance and Administration budget entity must be at least \$162,700 in Operating Capital Outlay category and \$48,368 in the Expense category.

| | | |
|------|-------------------------------------|--------|
| 1701 | SPECIAL CATEGORIES | |
| | ACQUISITION OF MOTOR VEHICLES | |
| | FROM STATE TRANSPORTATION (PRIMARY) | |
| | TRUST FUND | 23,400 |

| | | |
|------|-------------------------------------|-----------|
| 1702 | SPECIAL CATEGORIES | |
| | CONSULTANT FEES | |
| | FROM STATE TRANSPORTATION (PRIMARY) | |
| | TRUST FUND | 5,266,760 |

From funds in Specific Appropriations 1699, 1700, and 1702, \$414,700 in expenses, \$1,115,600 in operating capital outlay, and \$390,000 in consultant fees are provided to fund Geographic Information Systems (GIS) and shall be placed in reserve by the Executive Office of the Governor. These funds shall not be released until the department completes a user requirements analysis which documents as a minimum the following: all proposed users of GIS, required GIS products, workflow evaluation, data requirements of all users, proposed user applications, estimated data volumes, estimated production rates, provisions for public access, and interagency data sharing requirements and opportunities. The analysis and subsequent GIS implementation projects shall be coordinated with the Growth Management Data Network Coordinating Council. This plan will be subject to approval by the Information Resource Commission. The Executive

SECTION 1A

SPECIFIC APPROPRIATION

Office of the Governor may approve the transfer of budget authority between categories to align with this plan.

Funds provided in Specific Appropriations 1699, 1700 and 1702 for the expansion of the Computer Aided Drafting and Design System (CADD) shall not be committed until the Department of Transportation has submitted to the Governor and the Legislature a statement, with supporting documentation, from the secretary specifying that CADD is cost effective and continues to meet and/or exceed the goals and objectives reported by the department in 1984.

1703 SPECIAL CATEGORIES

TOLL OPERATION CONTRACTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND

5,595,865

From funds in Specific Appropriations 1697, 1699, 1700, 1701, and 1703, the department shall continue to privatize toll collections. During 1994-95, the department shall privatize no less than 435 toll collection positions. Of this total, 66 of the positions are deleted effective July 1, 1994, and 369 positions are deleted effective June 30, 1995. The Executive Office of the Governor may approve the transfer of salary and benefits budget in related current operating categories to the Tolls Operations Contracts category to implement privatization contracts. The Executive Office of the Governor will adjust the initial 1994-95 Rate and Position Ledger to temporarily restore the 369 positions deleted with an effective date of June 30, 1995.

By June 30, 1995, the department shall submit a plan to the Executive Office of the Governor, President of the Senate, and Speaker of the House of Representatives for the privatization of all toll collectors.

1703A SPECIAL CATEGORIES

FLORIDA HIGHWAY PATROL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND

2,000,000

1704 SPECIAL CATEGORIES

HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND

280,255

1705 SPECIAL CATEGORIES

OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND

306,500

SECTION 1A

SPECIFIC APPROPRIATION

1706 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 10,836,532

PLANNING AND ENGINEERING

1707 SALARIES AND BENEFITS POSITIONS 1,153
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 48,523,430

1708 OTHER PERSONAL SERVICES
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 477,441

1709 EXPENSES
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 17,655,982

1710 OPERATING CAPITAL OUTLAY
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 5,822,124

From funds and positions in Specific Appropriations 1707, 1709, and 1710, 2 positions, \$107,376, \$69,330, and \$15,724, respectively, are provided to staff the Metropolitan Planning Organization Advisory Council and shall be funded solely from Federal Metropolitan Planning local pass through funds.

1711 SPECIAL CATEGORIES
 ACQUISITION OF MOTOR VEHICLES
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 409,000

1712 SPECIAL CATEGORIES
 CONSULTANT FEES
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 1,783,675

1713 SPECIAL CATEGORIES
 HUMAN RESOURCES DEVELOPMENT
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 1,165,779

1714 SPECIAL CATEGORIES
 OVERTIME
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 90,295

1715 SPECIAL CATEGORIES
 SALARY INCENTIVE PAYMENTS
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 137,400

SECTION 1A

SPECIFIC
APPROPRIATION

| | | | | |
|-------------------------|---|-----------|-----|------------|
| 1716 | SPECIAL CATEGORIES TRANSPORTATION MATERIALS AND EQUIPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 3,816,730 |
| TURNPIKE OPERATIONS | | | | |
| 1717 | SALARIES AND BENEFITS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | POSITIONS | 173 | 8,010,901 |
| 1718 | OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 202,774 |
| 1719 | EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 2,387,794 |
| 1720 | OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 140,800 |
| 1721 | SPECIAL CATEGORIES FLORIDA HIGHWAY PATROL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 9,187,572 |
| 1722 | SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 63,000 |
| 1723 | SPECIAL CATEGORIES TRANSPORTATION MATERIALS AND EQUIPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 1,093,036 |
| DISTRICT ADMINISTRATION | | | | |
| 1724 | SALARIES AND BENEFITS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | POSITIONS | 417 | 15,320,641 |
| 1725 | OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 623,693 |
| 1726 | EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 6,581,197 |
| 1727 | OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | | 276,938 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | | |
|--------------------------------------|--|--------------------|-------------|
| 1728 | SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 29,800 |
| 1729 | SPECIAL CATEGORIES OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 23,800 |
| DISTRICT PLANNING AND PUBLIC TRANSIT | | | |
| 1730 | SALARIES AND BENEFITS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | POSITIONS 282 | 12,668,484 |
| 1731 | EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 1,085,712 |
| 1732 | OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 149,882 |
| 1733 | SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 9,500 |
| DISTRICT OPERATIONS | | | |
| 1734 | SALARIES AND BENEFITS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | POSITIONS 6,862 | 224,765,860 |
| 1735 | OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 1,935,766 |
| 1736 | EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 30,162,650 |
| 1737 | OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 3,752,429 |
| 1738 | SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 4,000,000 |

SECTION 1A

SPECIFIC APPROPRIATION

| | | |
|-------|--|------------|
| 1739 | SPECIAL CATEGORIES ACQUISITION OF MAINTENANCE AND HEAVY EQUIPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 8,130,193 |
| 1739A | SPECIAL CATEGORIES HAZARDOUS MATERIALS SURVEY/REMEDATION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 1,290,000 |
| 1740 | SPECIAL CATEGORIES FAIRBANKS HAZARDOUS WASTE SITE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 6,615,000 |
| 1741 | SPECIAL CATEGORIES EMERGENCY STRUCTURE REPAIRS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 2,000,000 |
| 1742 | SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 679,353 |
| 1743 | SPECIAL CATEGORIES OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 3,503,889 |
| 1744 | SPECIAL CATEGORIES TRANSPORTATION MATERIALS AND EQUIPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 22,151,400 |

From funds in Specific Appropriations 1734, 1736, 1743, and 1744, 27 positions and \$742,660 in salaries and benefits, \$366,867 in expenses, \$12,000 in overtime and \$15,000 in transportation materials and equipment provided for the Mayport Ferry shall be funded from toll revenues and the share of the State Comprehensive Enhanced Transportation System Tax allocated to District 2 that would otherwise be available for Duval County. The department may pursue negotiations with the City of Jacksonville to take over the operation of the Mayport Ferry after a suitable transition period. The department may process work program amendments and budget amendments during the fiscal year to implement the transition which may include docking repairs and matching federal funds for the purchase of a new ferry.

SECTION 1A

SPECIFIC APPROPRIATION

VETERANS' AFFAIRS, DEPARTMENT OF

| | | | | |
|------|--|-----------|---------------|---------------|
| 1745 | SALARIES AND BENEFITS | POSITIONS | 265 | |
| | FROM GENERAL REVENUE FUND | | 5,133,316 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 1,262,872 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | | 403,537 |
| 1746 | OTHER PERSONAL SERVICES | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 40,066 |
| 1747 | EXPENSES | | | |
| | FROM GENERAL REVENUE FUND | | 1,027,650 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 403,799 |
| | FROM OPERATIONS AND MAINTENANCE TRUST FUND | | | 46,350 |
| 1748 | OPERATING CAPITAL OUTLAY | | | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 22,217 |
| 1749 | FOOD PRODUCTS | | | |
| | FROM GENERAL REVENUE FUND | | 350,947 | |
| | FROM ADMINISTRATIVE TRUST FUND | | | 155,452 |
| 1750 | SPECIAL CATEGORIES | | | |
| | RECREATIONAL EQUIPMENT AND SUPPLIES | | | |
| | FROM GENERAL HOME TRUST FUND | | | 21,000 |
| | TOTAL OF SECTION 1A | POSITIONS | 121,635 | |
| | FROM GENERAL REVENUE FUND | | 13507,207,913 | |
| | FROM TRUST FUNDS | | | 12503,190,342 |
| | TOTAL ALL FUNDS | | | 26010,398,255 |

SECTION 1B - NON-OPERATING STATE AND FEDERAL REVENUE SHARING PASSED THROUGH TO LOCAL GOVERNMENTS

The moneys contained herein are appropriated from the named funds to the state agencies indicated, to be distributed to local governments as required by State or Federal mandate.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

FORESTRY, DIVISION OF

| | | | | |
|------|--|--|--|---------|
| 1751 | AID TO LOCAL GOVERNMENTS | | | |
| | AMERICA THE BEAUTIFUL PROGRAM | | | |
| | FROM CONTRACTS AND GRANTS TRUST FUND | | | 200,000 |

SECTION 1B

SPECIFIC APPROPRIATION

| | | |
|------|---|---------|
| 1752 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION FROM CONTRACTS AND GRANTS TRUST FUND | 72,589 |
| 1753 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PLANT A TREE PROGRAM FROM PLANT A TREE TRUST FUND | 200,000 |
| 1754 | AID TO LOCAL GOVERNMENTS STATE FOREST RECEIPT DISTRIBUTION FROM INCIDENTAL TRUST FUND | 700,050 |
| 1755 | SPECIAL CATEGORIES GRANTS AND AIDS - UNITED STATES SMALL BUSINESS ADMINISTRATION TREE PLANTING PROGRAM FROM CONTRACTS AND GRANTS TRUST FUND | 754,110 |

BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER

ACCOUNTING AND AUDITING, DIVISION OF

| | | |
|------|--|-----------|
| 1756 | AID TO LOCAL GOVERNMENTS FLOOD CONTROL FROM FLOOD CONTROL TRUST FUND | 12,000 |
| 1757 | AID TO LOCAL GOVERNMENTS NATIONAL FOREST MONIES TO COUNTIES FROM FLORIDA NATIONAL FOREST TRUST FUND | 2,700,000 |
| 1758 | AID TO LOCAL GOVERNMENTS PROCEEDS FROM SALE OF TIMBER PRODUCTS FROM U.S. MILITARY INSTALLATIONS TIMBER PRODUCTS TRUST FUND | 85,000 |
| 1759 | SPECIAL CATEGORIES GRANTS AND AIDS - SMALL COUNTY TECHNICAL ASSISTANCE FROM GENERAL REVENUE FUND | 250,000 |

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

PARI-MUTUEL WAGERING, DIVISION OF

| | | |
|------|--|------------|
| 1760 | AID TO LOCAL GOVERNMENTS RACING TAX TO COUNTIES FROM PARI-MUTUEL WAGERING TRUST FUND | 29,915,500 |
|------|--|------------|

SECTION 1B

SPECIFIC APPROPRIATION

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

| | | |
|------|--|-----------|
| 1761 | AID TO LOCAL GOVERNMENTS BEVERAGE LICENSE TO CITIES AND COUNTIES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND | 9,700,000 |
|------|--|-----------|

COMMUNITY AFFAIRS, DEPARTMENT OF

EMERGENCY MANAGEMENT, DIVISION OF

| | | |
|------|---|-----------|
| 1762 | AID TO LOCAL GOVERNMENTS DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION FROM PERSONNEL AND ADMINISTRATION TRUST FUND | 2,020,051 |
|------|---|-----------|

| | | |
|------|--|-----------|
| 1763 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DISASTER RELIEF PAYMENTS FROM U.S. CONTRIBUTIONS TRUST FUND | 1,000,000 |
|------|--|-----------|

| | | |
|------|---|---------|
| 1764 | AID TO LOCAL GOVERNMENTS LOCAL SUPPORT MATERIALS FROM GRANTS AND DONATIONS TRUST FUND | 308,434 |
|------|---|---------|

| | | |
|------|---|-----------|
| 1765 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NUCLEAR POWER EMERGENCY PLANNING FROM GRANTS AND DONATIONS TRUST FUND | 1,407,412 |
|------|---|-----------|

| | | |
|------|---|--------------------------|
| 1766 | SPECIAL CATEGORIES GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND FROM U.S. CONTRIBUTIONS TRUST FUND | 11,477,750 55,243,000 |
|------|---|--------------------------|

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

| | | |
|------|--|------------|
| 1767 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND | 17,791,142 |
|------|--|------------|

| | | |
|------|---|-----------|
| 1768 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND | 9,035,240 |
|------|---|-----------|

| | | |
|------|--|------------|
| 1769 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND | 29,978,797 |
|------|--|------------|

SECTION 1B

SPECIFIC
APPROPRIATION

| | | |
|--|---|---------------------------|
| 1770 | SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND | 12,291,783 |
| 1771 | SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY SERVICES HOMELESS GRANTS FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND | 1,194,125 |
| 1772 | SPECIAL CATEGORIES GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND | 100,000 |
| 1773 | SPECIAL CATEGORIES GRANTS AND AIDS - WEATHERIZATION GRANTS FROM ECONOMIC OPPORTUNITY TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND | 1,897,037 100,000 |
| EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION | | |
| PUBLIC SCHOOLS, DIVISION OF | | |
| 1774 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FEDERAL GRANTS AND AIDS FROM EDUCATIONAL AIDS TRUST FUND | 461,100,702 |
| 1775 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SCHOOL LUNCH PROGRAM FROM GENERAL REVENUE FUND FROM FOOD AND NUTRITION SERVICES TRUST FUND | 20,161,046 413,067,062 |
| VOCATIONAL, ADULT, AND COMMUNITY EDUCATION, DIVISION OF | | |
| 1776 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ADULT BASIC EDUCATION FEDERAL FLOW-THROUGH FUNDS FROM EDUCATIONAL AIDS TRUST FUND | 12,530,280 |
| 1777 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS FROM EDUCATIONAL AIDS TRUST FUND | 40,971,000 |
| ENVIRONMENTAL PROTECTION, DEPARTMENT OF | | |
| 1778 | AID TO LOCAL GOVERNMENTS DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS FROM AIR POLLUTION CONTROL TRUST FUND | 5,495,936 |

SECTION 1B

SPECIFIC APPROPRIATION

| | | |
|------|---|-----------|
| 1779 | SPECIAL CATEGORIES DISTRIBUTION OF SURCHARGE FEES FROM STATE PARK TRUST FUND | 650,000 |
| 1780 | SPECIAL CATEGORIES RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES FROM FORFEITED PROPERTY TRUST FUND | 757,586 |
| 1781 | SPECIAL CATEGORIES PAYMENT IN LIEU OF TAXES FROM CONSERVATION AND RECREATION LANDS TRUST FUND | 2,860,950 |

Funds provided in Specific Appropriation 1781 are provided for payment in lieu of taxes to qualifying counties for actual tax losses incurred as a result of acquisitions under the Preservation 2000 program as authorized in Chapter 92-288, Laws of Florida. These funds may be used to make payments in lieu of taxes for ad valorem revenue losses to qualified counties for fiscal year 1994-95. Any surplus funds available from this appropriation after satisfaction of all eligible requests for payment in lieu of taxes may be used for interim management activities on Conservation and Recreation Lands in accordance with the provisions of Chapter 259 and Section 216.181, Florida Statutes.

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

DISTRICT SERVICES

HEALTH SERVICES

| | | |
|------|--|-----------|
| 1782 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RYAN WHITE CONSORTIA FROM GRANTS AND DONATIONS TRUST FUND | 5,614,158 |
| 1783 | AID TO LOCAL GOVERNMENTS IMPACT AID FROM GRANTS AND DONATIONS TRUST FUND | 7,440,000 |

CHILDREN'S MEDICAL SERVICES

| | | |
|------|---|---------|
| 1784 | SPECIAL CATEGORIES PURCHASED CLIENT SERVICES - IMPACT AID FROM DONATIONS TRUST FUND | 470,000 |
|------|---|---------|

SECTION 1B

SPECIFIC APPROPRIATION

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF MOTOR VEHICLES, DIVISION OF

| | | |
|------|---|------------|
| 1785 | AID TO LOCAL GOVERNMENTS DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE FROM LICENSE TAX COLLECTION TRUST FUND . . . | 10,500,000 |
| 1786 | AID TO LOCAL GOVERNMENTS DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE FROM LICENSE TAX COLLECTION TRUST FUND . . . | 7,632,000 |
| 1787 | AID TO LOCAL GOVERNMENTS DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE FROM LICENSE TAX COLLECTION TRUST FUND . . . | 3,368,000 |

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

| | | |
|------|---|------------|
| 1788 | AID TO LOCAL GOVERNMENTS TWO PERCENT PREMIUM TAX TO CITIES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | 45,200,000 |
|------|---|------------|

AGENTS AND AGENCIES SERVICES, DIVISION OF

| | | |
|------|--|-----------|
| 1789 | AID TO LOCAL GOVERNMENTS INSURANCE LICENSE TAX TO COUNTIES FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND | 3,000,000 |
|------|--|-----------|

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

LABOR, EMPLOYMENT AND TRAINING, DIVISION OF

| | | |
|------|--|------------|
| 1790 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - GOVERNMENTAL UNITS SPECIAL EMPLOYMENT PLACEMENT SERVICES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 583,297 |
| 1791 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SUMMER YOUTH - TEMPORARY EMPLOYMENT FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND | 42,231,046 |

Funds under Specific Appropriations 1791 and 1792, authorized under the Job Training Partnership Act shall be allocated through the Governor's Two Year plan as described in local service delivery plans.

SECTION 1B

SPECIFIC APPROPRIATION

The Governor's plan for these funds as well as local plans submitted by the Service Delivery Areas will include the following elements:

- 1. use of the projections of the occupational forecasting conference as a key indicator of demand occupations for training;
- 2. a plan for activities to provide training, basic readjustment and retraining services to personnel displaced by military downsizing and defense conversion;
- 3. description of activities related to school to work transition including youth apprenticeship;
- 4. assurance of the elimination of layered contracts, including language which states that contracts for service will be executed directly with service providers; and
- 5. the submission of an end of the year report from each SDA which includes participant name and social security number, identification of each service provider, number of clients served, average length of time for participation, and cost per participant and placement.

1792 SPECIAL CATEGORIES

GRANTS AND AIDS - JOB TRAINING PARTNERSHIP
 ACT SERVICE DELIVERY AREA ALLOTMENTS
 FROM EMPLOYMENT SECURITY ADMINISTRATION
 TRUST FUND

155,978,079

From funds provided in Specific Appropriation 1792 from Title III Economic Dislocated Worker Assistance Act funds, the department shall develop a service plan to provide for the retraining of commercial saltwater fishing licensees, licensed wholesale and retail saltwater products dealers, and saltwater products workers who are adversely impacted by the adoption of any constitutional amendment which limits commercial fishing in state waters. The department shall seek appropriate federal authorizations, wavier and grants to enable the fulfillment of this service plan. Additionally, the department shall work in conjunction with the Department of Commerce, the Department of Environmental Protection, and the Marine Fisheries Commission to develop recommendations for an appropriate compensation policy for such adversely impacted persons which shall include, but not be limited to, payment for fishing gear and equipment which loses economic value due to a constitutional amendment, compensation for lost wages prior to re-employment at a level which provides wages and benefits comparable to those earned prior to the

SECTION 1B

SPECIFIC APPROPRIATION

adoption of the constitutional amendment, compensation for relocation costs that may be associated with re-employment opportunities, and appropriate funding mechanisms. These recommendations shall be provided to the Governor, President of the Senate, and Speaker of the House by January 1, 1995.

Contingent upon SB 1018 or similar legislation becoming law, funds from Specific Appropriation 1792, authorized under Title III Employment and Training Assistance for Dislocated Workers, of the Job Training Partnership Act (JTPA), may be used in conjunction with funding from other sources for the purpose of job training and reduction of welfare rolls as it relates to dislocated workers. These funds will be allocated in the Governor's discretionary allocation pursuant to Section 302 JTPA Federal Regulations and as reflected in the State Plan. The combined funds will be earned by the school districts and community colleges under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, Florida Statutes) and for enrolling, training, and placing dislocated workers as defined in Sections 301(a) and 314(f), (g), and (h) of JTPA Federal Regulations. Up to \$17 million of the Governor's Discretionary Economic Dislocation and Worker Adjustment Assistance Act (JTPA Title III) Allocation, available for training dislocated workers, may be used in this performance based funding project.

1793 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,779,943

1794 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE ORGANIZATIONS
SPECIAL EMPLOYMENT PLACEMENT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 3,305,347

LAW ENFORCEMENT, DEPARTMENT OF
CRIMINAL INVESTIGATIONS, DIVISION OF

1795 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ORGANIZED CRIME NARCOTIC
(OCN) TRAFFICKING
FROM GRANTS AND DONATIONS TRUST FUND 347,500

SECTION 1B

SPECIFIC APPROPRIATION

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

1796 SPECIAL CATEGORIES
 GRANTS AND AIDS - SPECIAL EDUCATION AND
 TECHNICAL TRAINING
 FROM CRIMINAL JUSTICE TRAINING TRUST
 FUND 5,000,000

LOCAL LAW ENFORCEMENT ASSISTANCE, DIVISION OF

1797 AID TO LOCAL GOVERNMENTS
 LOCAL LABORATORY SERVICES
 FROM OPERATING TRUST FUND 2,379,702

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

OFFICE OF ATTORNEY GENERAL

1798 SPECIAL CATEGORIES
 GRANTS AND AIDS - MOTOR VEHICLE THEFT
 PREVENTION
 FROM FLORIDA MOTOR VEHICLE THEFT
 PREVENTION TRUST FUND 5,000,000

The Department of Legal Affairs shall provide a listing of all grant recipients and the amount of such awards to the Executive Office of the Governor and chairmen of the legislative appropriations committees before February 1, 1995.

1799 SPECIAL CATEGORIES
 GRANTS AND AIDS - VICTIM ASSISTANCE
 SERVICES
 FROM CRIMES COMPENSATION TRUST FUND 3,030,000

REVENUE, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

1800 AID TO LOCAL GOVERNMENTS
 CIGARETTE TAX TO MUNICIPALITIES
 FROM MUNICIPAL FINANCIAL ASSISTANCE
 TRUST FUND 22,700,000

1801 AID TO LOCAL GOVERNMENTS
 COUNTY REVENUE SHARING
 FROM COUNTY REVENUE SHARING TRUST FUND 297,700,000

1802 AID TO LOCAL GOVERNMENTS
 MUNICIPAL REVENUE SHARING
 FROM MUNICIPAL REVENUE SHARING TRUST
 FUND 195,060,000

SECTION 1B

SPECIFIC
APPROPRIATION

AD VALOREM TAX, DIVISION OF

| | | |
|------|--|---------|
| 1803 | AID TO LOCAL GOVERNMENTS AERIAL PHOTOGRAPHY AND MAPPING FROM INTANGIBLE TAX TRUST FUND | 437,695 |
| 1804 | AID TO LOCAL GOVERNMENTS COUNTY TAX FORMS FROM INTANGIBLE TAX TRUST FUND | 765,000 |
| 1805 | SPECIAL CATEGORIES PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM FROM CERTIFICATION PROGRAM TRUST FUND | 300,000 |

GENERAL TAX ADMINISTRATION

| | | |
|-------|---|-------------|
| 1805A | AID TO LOCAL GOVERNMENTS CONTINUATION OF SOLID MINERAL SEVERANCE TAX TO COUNTIES FROM SEVERANCE TAX SOLID MINERAL TRUST FUND | 4,100,000 |
| 1805B | AID TO LOCAL GOVERNMENTS DISTRIBUTION TO COUNTIES - OIL AND GAS TAX FROM OIL AND GAS TAX TRUST FUND | 900,000 |
| 1805C | AID TO LOCAL GOVERNMENTS DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND | 912,100,000 |
| 1805D | AID TO LOCAL GOVERNMENTS EMERGENCY DISTRIBUTIONS FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND | 5,314,602 |
| 1805E | AID TO LOCAL GOVERNMENTS FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL FROM GAS TAX COLLECTION TRUST FUND | 151,480,000 |
| 1805F | AID TO LOCAL GOVERNMENTS SEVENTH CENT/COUNTIES/MOTOR FUEL FROM GAS TAX COLLECTION TRUST FUND | 53,180,000 |

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

ELECTIONS, DIVISION OF

| | | |
|------|--|---------|
| 1812 | AID TO LOCAL GOVERNMENTS PETITION SIGNATURE VERIFICATION FROM GENERAL REVENUE FUND | 150,000 |
|------|--|---------|

SECTION 1B

SPECIFIC APPROPRIATION

LIBRARY AND INFORMATION SERVICES, DIVISION OF

| | | |
|------|--|---------|
| 1813 | AID TO LOCAL GOVERNMENTS | |
| | GRANTS AND AIDS - LIBRARY COOPERATIVES | |
| | FROM GENERAL REVENUE FUND | 750,000 |

CULTURAL AFFAIRS, DIVISION OF

| | | |
|-------|---|---------|
| 1813A | AID TO LOCAL GOVERNMENTS | |
| | GRANTS AND AIDS - ARTS IN EDUCATION GRANTS | |
| | FROM CULTURAL INSTITUTIONS TRUST FUND | 250,000 |

TOTAL OF SECTION 1B

| | | |
|-------------------------------------|------------|--------------|
| FROM GENERAL REVENUE FUND | 21,311,046 | |
| FROM TRUST FUNDS | | 3072,763,905 |
| TOTAL ALL FUNDS | | 3094,074,951 |

SECTION 1C - NON-OPERATING TRANSFERS TO OTHER STATE AGENCIES

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts to be transferred between state agencies as per appropriated agreement.

ADMINISTERED FUNDS

| | | |
|------|---|--------------|
| 1814 | SPECIAL CATEGORIES | |
| | TRANSFER TO PLANNING AND BUDGETING SYSTEM | |
| | TRUST FUND | |
| | | POSITIONS 13 |
| | FROM GENERAL REVENUE FUND | 4,561,966 |

Funds in Specific Appropriation 1814 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.

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION

MEDICAID SERVICES

| | | |
|------|---------------------------------------|-------------|
| 1815 | SPECIAL CATEGORIES | |
| | TRANSFER TO PUBLIC MEDICAL ASSISTANCE | |
| | TRUST FUND | |
| | FROM GENERAL REVENUE FUND | 316,053,715 |

SECTION 1C

SPECIFIC APPROPRIATION

1815A SPECIAL CATEGORIES
 TRANSFERS TO GENERAL REVENUE UNALLOCATED
 FROM PUBLIC MEDICAL ASSISTANCE TRUST
 FUND 296,600,000

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF
ADMINISTRATION

1818 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM GENERAL REVENUE FUND 52,739

1818A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 9,293
 FROM ADMINISTRATIVE TRUST FUND 1,212
 FROM GENERAL INSPECTION TRUST FUND 6,991

STANDARDS, DIVISION OF

1818B SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 601
 FROM GENERAL INSPECTION TRUST FUND 1,198

DAIRY INDUSTRY, DIVISION OF

1818C SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 1,263

MARKETING AND DEVELOPMENT, DIVISION OF

1818D SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 733
 FROM GENERAL INSPECTION TRUST FUND 180
 FROM MARKET IMPROVEMENTS WORKING CAPITAL
 TRUST FUND 347

FRUIT AND VEGETABLES, DIVISION OF

1818E SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM CITRUS INSPECTION TRUST FUND 3,111
 FROM GENERAL INSPECTION TRUST FUND 1,362

SECTION 1C

SPECIFIC APPROPRIATION

PLANT INDUSTRY, DIVISION OF

1818F SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 1,049

ANIMAL INDUSTRY, DIVISION OF

1818G SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 1,048
 FROM CONTRACTS AND GRANTS TRUST FUND 152
 FROM GENERAL INSPECTION TRUST FUND 820

CONSUMER SERVICES, DIVISION OF

1818H SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 2,314
 FROM GENERAL INSPECTION TRUST FUND 524

FORESTRY, DIVISION OF

1818I SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 8,389
 FROM INCIDENTAL TRUST FUND 848

AGRICULTURAL ENVIRONMENTAL SERVICES, DIVISION OF

1818J SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 1,130
 FROM GENERAL INSPECTION TRUST FUND 2,798

FOOD SAFETY, DIVISION OF

1818K SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 4,777
 FROM GENERAL INSPECTION TRUST FUND 800

SECTION 1C

SPECIFIC APPROPRIATION

BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER

OFFICE OF THE COMPTROLLER AND DIVISION OF ADMINISTRATION

| | | | |
|------|---|--|--------|
| 1819 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 88,861 |

| | | | |
|-------|---|--|-------|
| 1819A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,750 |

ACCOUNTING AND AUDITING, DIVISION OF

| | | | |
|-------|---|-----|--|
| 1819B | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 273 | |

BANKING, DIVISION OF

| | | | |
|-------|---|--|-------|
| 1819C | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND | | 1,179 |

FINANCE, DIVISION OF

| | | | |
|-------|---|--|-------|
| 1819D | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM REGULATORY TRUST FUND | | 1,500 |

SECURITIES AND INVESTOR PROTECTION, DIVISION OF

| | | | |
|-------|---|-------|--|
| 1819E | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 1,376 | |

SECTION 1C

SPECIFIC APPROPRIATION

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

| | | |
|------|---|---------|
| 1820 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND | 214,500 |
|------|---|---------|

| | | |
|-------|---|-----|
| 1820A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM ADMINISTRATIVE TRUST FUND | 160 |
|-------|---|-----|

PROFESSIONAL REGULATION, DIVISION OF

| | | |
|------|--|-----------|
| 1821 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM PROFESSIONAL REGULATION TRUST FUND | 1,109,167 |
|------|--|-----------|

| | | |
|-------|--|--------|
| 1821A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM PROFESSIONAL REGULATION TRUST FUND | 24,828 |
|-------|--|--------|

| | | |
|------|---|---------|
| 1824 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS FOR FLORIDA BUILDING CODES AND STANDARDS FROM PROFESSIONAL REGULATION TRUST FUND | 104,261 |
|------|---|---------|

PARI-MUTUEL WAGERING, DIVISION OF

| | | |
|-------|---|-------|
| 1824A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM PARI-MUTUEL WAGERING TRUST FUND | 3,770 |
|-------|---|-------|

HOTELS AND RESTAURANTS, DIVISION OF

| | | |
|------|--|---------|
| 1825 | SPECIAL CATEGORIES TRANSFERS TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR EPIDEMIOLOGICAL SERVICES FROM HOTEL AND RESTAURANT TRUST FUND | 498,416 |
|------|--|---------|

| | | |
|-------|---|-------|
| 1825A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM HOTEL AND RESTAURANT TRUST FUND | 3,510 |
|-------|---|-------|

SECTION 1C

SPECIFIC APPROPRIATION

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

1825B SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 2,378

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

1825C SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,428

CITRUS, DEPARTMENT OF

1825D SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM CITRUS ADVERTISING TRUST FUND 21

COMMERCE, DEPARTMENT OF

OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1826 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND 1,108

ECONOMIC DEVELOPMENT, DIVISION OF

1827 SPECIAL CATEGORIES
 TRANSFER TO ADMINISTRATIVE TRUST FUND FOR ADMINISTRATIVE COSTS FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 40,000

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

1828 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND 568,951

SECTION 1C

SPECIFIC APPROPRIATION

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

| | | | |
|------|--|--|--------------------|
| 1829 | SPECIAL CATEGORIES GRANTS AND AIDS - TRANSFER TO DEPARTMENT OF HRS FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION (JJDP) PROGRAM MATCH FROM OPERATING TRUST FUND | | 208,300 |
| 1830 | SPECIAL CATEGORIES TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND FROM ECONOMIC OPPORTUNITY TRUST FUND FROM OPERATING TRUST FUND | | 250,000 300,000 |
| 1831 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND FROM STATE HOUSING TRUST FUND | | 585,854 |

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE SECRETARY AND OFFICE OF MANAGEMENT AND BUDGET

| | | | |
|-------|---|--------|--------|
| 1832 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND | 23,022 | |
| 1832A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND | 44,225 | 10,067 |

ASSISTANT SECRETARY FOR HEALTH SERVICES

| | | | |
|------|---|-----------|--|
| 1833 | SPECIAL CATEGORIES CONTRACT MENTAL HEALTH FACILITY SERVICES FROM GENERAL REVENUE FUND | 3,605,796 | |
|------|---|-----------|--|

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

| | | | |
|-------|--|-----------|--|
| 1833A | SPECIAL CATEGORIES PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION FROM GENERAL REVENUE FUND | 1,900,000 | |
|-------|--|-----------|--|

Funds appropriated in Specific Appropriation 1833A shall be applied for the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management

SECTION 1C

SPECIFIC APPROPRIATION

Services Contract and Lease-Purchase Agreement for the Bay County, Florida and the Glades County, Florida, 750 bed medium custody secure correctional facilities.

The Department of Corrections shall have no authority to utilize the appropriated funds except as provided above.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

| | | | |
|------|--|--|--------|
| 1834 | SPECIAL CATEGORIES | | |
| | GRANTS AND AIDS - PRODUCT TESTING SERVICES | | |
| | FROM FACILITIES CONSTRUCTION | | |
| | ADMINISTRATION TRUST FUND | | 97,000 |

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, BUDGETING AND MANAGEMENT

| | | | |
|------|---|--------|--|
| 1835 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS | | |
| | FROM GENERAL REVENUE FUND | 96,615 | |

| | | | |
|-------|---|--------|-------|
| 1835A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 21,392 | |
| | FROM EDUCATIONAL AIDS TRUST FUND | | 8,282 |

COMMUNITY COLLEGES, DIVISION OF

| | | | |
|-------|---|-----|--|
| 1835B | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 602 | |

UNIVERSITIES, DIVISION OF

BOARD OF REGENTS GENERAL OFFICE

| | | | |
|------|---|-----------|-----------|
| 1836 | SPECIAL CATEGORIES | | |
| | TRANSFER TO MAJOR GIFTS TRUST FUND | | |
| | FROM GENERAL REVENUE FUND | 1,240,283 | |
| | FROM EDUCATIONAL ENHANCEMENT TRUST FUND | | 3,564,920 |

| | | | |
|------|---|-----------|-----------|
| 1837 | SPECIAL CATEGORIES | | |
| | TRANSFER TO EMINENT SCHOLARS TRUST FUND | | |
| | FROM GENERAL REVENUE FUND | 1,140,282 | |
| | FROM EDUCATIONAL ENHANCEMENT TRUST FUND | | 3,564,920 |

SECTION 1C

SPECIFIC APPROPRIATION

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

| | | | |
|-------|--|--------|-----------|
| 1838 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES IMPLEMENTING FLORIDA SAFE DRINKING WATER ACT FROM WATER QUALITY ASSURANCE TRUST FUND | | 800,000 |
| 1839 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM FROM SOLID WASTE MANAGEMENT TRUST FUND | | 100,000 |
| 1839A | SPECIAL CATEGORIES TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES EXPERIMENTAL STATION TRUST FUND FROM WATER QUALITY ASSURANCE TRUST FUND | | 1,900,000 |
| 1839B | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR BIOMEDICAL WASTE REGULATION FROM SOLID WASTE MANAGEMENT TRUST FUND | | 880,000 |
| 1840 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND | 41,862 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 46,274 |
| | FROM AIR POLLUTION CONTROL TRUST FUND | | 116,385 |
| | FROM INLAND PROTECTION TRUST FUND | | 116,385 |
| | FROM OPERATING TRUST FUND | | 129,148 |
| | FROM POLLUTION RECOVERY TRUST FUND | | 116,386 |
| | FROM SOLID WASTE MANAGEMENT TRUST FUND | | 116,386 |
| 1841 | SPECIAL CATEGORIES TRANSFER TO ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION FOR ENVIRONMENTAL EDUCATION STAFF FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND | | 373,723 |
| 1842 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF EDUCATION FOR ENVIRONMENTAL EDUCATION STAFF AND REGIONAL SERVICE PROJECTS FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND | | 641,540 |
| 1842A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM GENERAL REVENUE FUND | 10,415 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 39 |
| | FROM AQUATIC PLANT CONTROL TRUST FUND | | 129 |

SECTION 1C

SPECIFIC
APPROPRIATION

| | | |
|------|--|-----------|
| | FROM AIR POLLUTION CONTROL TRUST FUND . . . | 2,709 |
| | FROM INLAND PROTECTION TRUST FUND | 3,233 |
| | FROM INTERNAL IMPROVEMENT TRUST FUND . . . | 7,341 |
| | FROM MARINE RESOURCES CONSERVATION TRUST FUND | 3,935 |
| | FROM MARINE FISHERIES COMMISSION TRUST FUND | 37 |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | 521 |
| | FROM MOTORBOAT REVOLVING TRUST FUND . . . | 2,439 |
| | FROM NON-MANDATORY LAND RECLAMATION TRUST FUND | 129 |
| | FROM OPERATING TRUST FUND | 417 |
| | FROM STATE PARK TRUST FUND | 3,234 |
| | FROM WATER QUALITY ASSURANCE TRUST FUND . | 8,642 |
| 1843 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF TRANSPORTATION/RESEARCH AND DEMONSTRATION PROJECTS FROM SOLID WASTE MANAGEMENT TRUST FUND . . | 150,000 |
| 1844 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - MOSQUITO CONTROL PROGRAM FROM POLLUTION RECOVERY TRUST FUND | 394,000 |
| | FROM SOLID WASTE MANAGEMENT TRUST FUND . . | 2,028,598 |
| 1845 | SPECIAL CATEGORIES TRANSFER TO SMALL COMMUNITIES SEWER CONSTRUCTION ASSISTANCE TRUST FUND FROM SOLID WASTE MANAGEMENT TRUST FUND . . | 6,072,000 |
| 1848 | SPECIAL CATEGORIES TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND FROM CONSERVATION AND RECREATION LANDS TRUST FUND | 1,483,163 |
| 1849 | SPECIAL CATEGORIES TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS FROM CONSERVATION AND RECREATION LANDS TRUST FUND | 2,868,011 |
| 1850 | SPECIAL CATEGORIES TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD FROM AQUATIC PLANT CONTROL TRUST FUND . . | 880,000 |
| 1851 | SPECIAL CATEGORIES TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM FROM AQUATIC PLANT CONTROL TRUST FUND . . | 25,000 |

SECTION 1C

SPECIFIC
APPROPRIATION

| | | |
|-------|--|------------|
| 1852 | SPECIAL CATEGORIES TRANSFER TO SEWAGE TREATMENT AND STORMWATER MANAGEMENT REVOLVING TRUST FUND FROM SOLID WASTE MANAGEMENT TRUST FUND . . . | 13,662,000 |
| 1853 | SPECIAL CATEGORIES TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1871 FROM WATER QUALITY ASSURANCE TRUST FUND . . . | 281,092 |
| 1854 | SPECIAL CATEGORIES TRANSFER TO HEALTH AND REHABILITATIVE SERVICES FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT FROM INLAND PROTECTION TRUST FUND | 1,285,197 |
| 1855 | SPECIAL CATEGORIES TRANSFER TO BOARD OF REGENTS - RESEARCH AND TESTING FROM SOLID WASTE MANAGEMENT TRUST FUND . . . | 500,000 |
| 1856 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - RECYCLABLE MATERIALS FROM SOLID WASTE MANAGEMENT TRUST FUND . . . | 596,537 |
| 1857 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF REVENUE - SOLID WASTE TAX COLLECTION FROM SOLID WASTE MANAGEMENT TRUST FUND . . . | 110,000 |
| 1858 | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF EDUCATION SOLID WASTE PROGRAM FROM SOLID WASTE MANAGEMENT TRUST FUND . . . | 117,743 |
| 1859 | SPECIAL CATEGORIES TRANSFER TO SURFACE WATER IMPROVEMENT AND MANAGEMENT TRUST FUND FROM SOLID WASTE MANAGEMENT TRUST FUND . . . | 9,614,000 |
| 1859A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND FROM CONSERVATION AND RECREATION LANDS TRUST FUND | 858,285 |

SECTION 1C

SPECIFIC APPROPRIATION

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

| | | |
|-------|---|-----------|
| 1860 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM STATE GAME TRUST FUND | 1,541 |
| 1860A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM STATE GAME TRUST FUND | 463 |
| 1860B | SPECIAL CATEGORIES TRANSFER TO STATE GAME TRUST FUND FROM LAND ACQUISITION TRUST FUND | 3,000,000 |
| 1860C | SPECIAL CATEGORIES TRANSFER TO DIVISION OF MARINE RESOURCES/MARINE TURTLES FROM NON-GAME WILDLIFE TRUST FUND | 300,000 |

WILDLIFE, DIVISION OF

| | | |
|-------|---|-----|
| 1860D | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM STATE GAME TRUST FUND | 986 |
|-------|---|-----|

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

| | | |
|-------|--|--------|
| 1861 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND | 35,304 |
| 1861A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM PLANNING AND BUDGETING SYSTEM TRUST FUND | 450 |

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

HEALTH AND REHABILITATIVE SERVICES - ADMINISTRATION

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

1862 SPECIAL CATEGORIES

SECTION 1C

SPECIFIC APPROPRIATION

| | | | |
|---|---|---------|-----------|
| | TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS | | |
| | FROM GENERAL REVENUE FUND | 783,311 | |
| | FROM ADMINISTRATIVE TRUST FUND | | 226,910 |
| STATEWIDE SERVICES | | | |
| STATEWIDE HEALTH PROGRAMS | | | |
| 1863 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT | | |
| | FROM RADIATION PROTECTION TRUST FUND | | 1,255,223 |
| HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES | | | |
| 1864 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS | | |
| | FROM GENERAL REVENUE FUND | 47,469 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 29,592 |
| 1864A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 3,061 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 7,017 |
| | FROM LAW ENFORCEMENT TRUST FUND | | 34 |
| FLORIDA HIGHWAY PATROL, DIVISION OF | | | |
| 1864B | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 7,098 |
| | FROM REIMBURSEMENT TRUST FUND | | 836 |
| 1865 | SPECIAL CATEGORIES | | |
| | TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND | | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 152,000 |
| DRIVER LICENSES, DIVISION OF | | | |
| 1865A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 184 | |
| | FROM ACCIDENT REPORTS TRUST FUND | | 53,076 |

SECTION 1C

SPECIFIC APPROPRIATION

MOTOR VEHICLES, DIVISION OF

| | | |
|-------|--|---------|
| 1865B | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM ACCIDENT REPORTS TRUST FUND | 53,618 |
| | FROM FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM TRUST FUND | 8,089 |
| | FROM GAS TAX COLLECTION TRUST FUND | 3,430 |
| | FROM MOTOR VEHICLE INSPECTION TRUST FUND | 6,781 |
| 1866 | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF ENVIRONMENTAL PROTECTION EMISSIONS PROGRAM FROM ACCIDENT REPORTS TRUST FUND | 250,000 |

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

| | | |
|-------|---|-----------|
| 1866A | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | 20,668 |
| 1867 | SPECIAL CATEGORIES | |
| | TRANSFER TO STATE TRUST FUNDS FOR REVENUE LOSSES RELATED TO HURRICANE ANDREW FROM HURRICANE ANDREW RECOVERY AND REBUILDING TRUST FUND | 2,646,654 |

If the Department of Insurance receives additional reimbursements from FEMA for expenditures related to Hurricane Andrew, then from Specific Appropriation 1867, an amount equal to the reimbursements shall be placed in reserve by the Governor's Office of Planning and Budgeting.

TREASURY, DIVISION OF

| | | |
|-------|---|--------|
| 1867A | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND | 21,071 |

AGENTS AND AGENCIES SERVICES, DIVISION OF

| | | |
|-------|---|-------|
| 1867B | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | 5,904 |

SECTION 1C

SPECIFIC APPROPRIATION

INSURER SERVICES, DIVISION OF

1867C SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM INSURANCE COMMISSIONER'S REGULATORY
 TRUST FUND 19,381

REHABILITATION AND LIQUIDATION, DIVISION OF

1867D SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM INSURANCE COMMISSIONER'S REGULATORY
 TRUST FUND 563

INSURANCE CONSUMER SERVICES, DIVISION OF

1867E SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM INSURANCE COMMISSIONER'S REGULATORY
 TRUST FUND 5,165

STATE FIRE MARSHAL, DIVISION OF

1867F SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM FIRE COLLEGE TRUST FUND 655
 FROM INSURANCE COMMISSIONER'S REGULATORY
 TRUST FUND 9,987

RISK MANAGEMENT, DIVISION OF

1867G SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM CASUALTY INSURANCE TRUST FUND 2,988
 FROM FIRE INSURANCE TRUST FUND 643

1868 SPECIAL CATEGORIES
 TRANSFER TO STATE TRUST FUNDS FOR REVENUE
 LOSSES RELATED TO HURRICANE ANDREW
 FROM HURRICANE ANDREW RECOVERY AND
 REBUILDING TRUST FUND 2,000,000

INSURANCE FRAUD, DIVISION OF

1868A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM INSURANCE COMMISSIONER'S REGULATORY
 TRUST FUND 2,910

SECTION 1C

SPECIFIC APPROPRIATION

LEGAL SERVICES, DIVISION OF

1869 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM INSURANCE COMMISSIONER'S REGULATORY
 TRUST FUND 118,781

1869A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM INSURANCE COMMISSIONER'S REGULATORY
 TRUST FUND 3,244

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1870 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM ADMINISTRATIVE TRUST FUND 63,190

1870A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM ADMINISTRATIVE TRUST FUND 3,056

PUBLIC EMPLOYEES RELATIONS COMMISSION

1870B SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 308

WORKERS' COMPENSATION, DIVISION OF

1870C SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 20,272

1870D SPECIAL CATEGORIES
 TRANSFER TO HEALTH CARE AGENCY
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 645,408

1870E SPECIAL CATEGORIES
 TRANSFER TO THE DEPARTMENT OF INSURANCE
 FROM SELF INSURANCE ASSESSMENT TRUST
 FUND 500,000
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 4,353,607

SECTION 1C

SPECIFIC APPROPRIATION

DIVISION OF SAFETY

1870F SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM WORKERS' COMPENSATION
 ADMINISTRATION TRUST FUND 1,710

LABOR, EMPLOYMENT AND TRAINING, DIVISION OF

1870G SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM EMPLOYMENT SECURITY ADMINISTRATION
 TRUST FUND 53,114

UNEMPLOYMENT COMPENSATION, DIVISION OF

1870H SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM EMPLOYMENT SECURITY ADMINISTRATION
 TRUST FUND 69,609

CALDWELL DATA CENTER

1870I SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM WORKING CAPITAL TRUST FUND 20

VOCATIONAL REHABILITATION, DIVISION OF

1871 SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF EDUCATION -
 SPINAL CORD RESEARCH
 FROM IMPAIRED DRIVERS AND SPEEDERS TRUST
 FUND 1,000,000

1871A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 1,036
 FROM FEDERAL REHABILITATION TRUST FUND 12,717

LAW ENFORCEMENT, DEPARTMENT OF

STAFF SERVICES, DIVISION OF

1871B SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 57

SECTION 1C

SPECIFIC APPROPRIATION

CRIMINAL INVESTIGATIONS, DIVISION OF

| | | | |
|-------|--|-------|--|
| 1871C | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 6,986 | |

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

| | | | |
|------|--|--|--------|
| 1872 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF ADMINISTRATIVE | | |
| | HEARINGS | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 61,070 |

| | | | |
|-------|--|--|-----|
| 1872A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM CRIMINAL JUSTICE TRAINING TRUST | | |
| | FUND | | 830 |

CRIMINAL JUSTICE INFORMATION SYSTEMS, DIVISION OF

| | | | |
|-------|--|--------|--------|
| 1872B | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 79,004 | |
| | FROM FORFEITURE AND INVESTIGATIVE | | |
| | SUPPORT TRUST FUND | | 5,279 |
| | FROM OPERATING TRUST FUND | | 38,553 |

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

OFFICE OF ATTORNEY GENERAL

| | | | |
|------|--|--|-------|
| 1873 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF ADMINISTRATIVE | | |
| | HEARINGS | | |
| | FROM ADMINISTRATIVE TRUST FUND | | 2,119 |

| | | | |
|-------|---|--|----|
| 1873A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM LEGAL AFFAIRS REVOLVING TRUST FUND | | 38 |

LEGISLATIVE BRANCH

ETHICS, COMMISSION ON

| | | | |
|------|--|--------|--|
| 1874 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF ADMINISTRATIVE | | |
| | HEARINGS | | |
| | FROM GENERAL REVENUE FUND | 29,899 | |

SECTION 1C

SPECIFIC APPROPRIATION

LOTTERY, DEPARTMENT OF THE

| | | |
|-------|--|------------|
| 1875 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND | 2,793 |
| 1875A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM ADMINISTRATIVE TRUST FUND | 65 |
| 1876 | SPECIAL CATEGORIES TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND FROM ADMINISTRATIVE TRUST FUND | 20,000,000 |

Funds in Specific Appropriation 1876 represent estimated administrative funds unallocated for department operations. The department shall transfer these funds to the Educational Enhancement Trust Fund. However, if lottery sales fall below official estimates for fiscal year 1994-95, the department may proportionately reduce said transfer to a level necessary to meet its appropriated operating requirements.

MANAGEMENT SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

| | | |
|-------|--|--------|
| 1877 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND | 47,668 |
| 1877A | SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM ADMINISTRATIVE TRUST FUND | 464 |

STATE EMPLOYEES' INSURANCE, DIVISION OF

| | | |
|------|---|---------|
| 1878 | SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 64,196 |
| 1879 | SPECIAL CATEGORIES TRANSFER TO AGENCY FOR HEALTH CARE FOR HEALTH CARE ADMINISTRATION FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 664,590 |

SECTION 1C

SPECIFIC
APPROPRIATION

| | | |
|-------|--|-------|
| 1879A | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | |
| | FROM PRETAX BENEFITS TRUST FUND | 2,480 |
| | FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND | 285 |
| | FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | 4,950 |
| | FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND | 528 |

| | | |
|------|--|-----------|
| 1880 | SPECIAL CATEGORIES | |
| | TRANSFER TO STATE EMPLOYEES HEALTH INSURANCE TRUST FUND | |
| | FROM GENERAL REVENUE FUND | 3,924,600 |

PURCHASING, DIVISION OF

| | | |
|-------|--|-----|
| 1880A | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | |
| | FROM GENERAL REVENUE FUND | 933 |
| | FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND | 295 |
| | FROM SURPLUS PROPERTY REVOLVING TRUST FUND | 57 |

FACILITIES MANAGEMENT, DIVISION OF

| | | |
|-------|--|-----|
| 1880B | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | |
| | FROM PAID PARKING TRUST FUND | 479 |
| | FROM SUPERVISION TRUST FUND | 253 |

BUILDING CONSTRUCTION, DIVISION OF

| | | |
|-------|--|-----|
| 1880C | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | |
| | FROM ARCHITECTS INCIDENTAL TRUST FUND | 381 |

| | | |
|-------|---|-----------|
| 1880D | SPECIAL CATEGORIES | |
| | TRANSFER SURPLUS PUBLIC FACILITIES CONVERSION REVOLVING TRUST FUNDS TO GENERAL REVENUE FUND | |
| | FROM PUBLIC FACILITIES CONVERSION REVOLVING TRUST FUND | 3,000,000 |

CAPITOL POLICE, DIVISION OF

| | | |
|-------|--|----|
| 1880E | SPECIAL CATEGORIES | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION | |
| | FROM SUPERVISION TRUST FUND | 70 |

SECTION 1C

SPECIFIC
APPROPRIATION

MOTOR POOL, DIVISION OF

| | | | |
|-------|---|-----------|-----------|
| 1880F | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | 96 |
| | FROM BUREAU OF AIRCRAFT TRUST FUND | | |
| | FROM MOTOR VEHICLE OPERATING TRUST FUND . . | | 3,607 |
| 1881 | SPECIAL CATEGORIES | | |
| | TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND | | |
| | FROM GENERAL REVENUE FUND | 1,466,097 | |
| 1882 | OTHER NON-OPERATING | | |
| | TRANSFER OF VEHICLE SALES PROCEEDS TO | | |
| | STATE AGENCIES | | |
| | FROM MOTOR VEHICLE OPERATING TRUST FUND . . | | 5,000,000 |

PERSONNEL MANAGEMENT SERVICES, DIVISION OF

| | | | |
|-------|--|--------|--------|
| 1882A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 11,553 | |
| | FROM STATE PERSONNEL SYSTEM TRUST FUND . . | | 16,549 |

RETIREMENT, DIVISION OF

| | | | |
|-------|--|----|---------|
| 1883 | SPECIAL CATEGORIES | | |
| | TRANSFER TO DIVISION OF ADMINISTRATIVE | | |
| | HEARINGS | | |
| | FROM OPERATING TRUST FUND | | 192,528 |
| 1883A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM GENERAL REVENUE FUND | 50 | |
| | FROM OPERATING TRUST FUND | | 15,036 |
| | FROM OPTIONAL RETIREMENT PROGRAM TRUST | | |
| | FUND | | 99 |

COMMUNICATIONS, DIVISION OF

| | | | |
|-------|--|--|-----------|
| 1883B | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM COMMUNICATIONS WORKING CAPITAL | | |
| | TRUST FUND | | 10,386 |
| 1883C | SPECIAL CATEGORIES | | |
| | TRANSFER TO FLORIDA HIGHWAY PATROL | | |
| | ACCIDENT REPORTS TRUST FUND | | |
| | FROM LAW ENFORCEMENT RADIO SYSTEM TRUST | | |
| | FUND | | 1,964,269 |

SECTION 1C

SPECIFIC APPROPRIATION

PAROLE COMMISSION

1883D SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 26

PUBLIC SERVICE COMMISSION

1885 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM REGULATORY TRUST FUND 15,111

1886 SPECIAL CATEGORIES
 THERMAL EFFICIENCY CODE SUPPORT
 FROM REGULATORY TRUST FUND 169,327

Funds in Specific Appropriation 1886 shall be transferred to the Department of Community Affairs to provide partial support for administration of the Thermal Efficiency Code Program established in s. 553.900 - 553.912, Florida Statutes.

REVENUE, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

1887 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM ADMINISTRATIVE TRUST FUND 69,596

1887A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM ADMINISTRATIVE TRUST FUND 11,131

~~1888 SPECIAL CATEGORIES
 TRANSFER TO LOCAL GOVERNMENT HALF-CENT
 SALES TAX CLEARING TRUST FUND
 FROM GENERAL REVENUE FUND 5,314,602~~

~~Contingent upon HB 2047 or similar legislation becoming law, the Executive Office of the Governor shall place funds in Specific Appropriation 1888 in reserve.~~

AD VALOREM TAX, DIVISION OF

1888A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM INTANGIBLE TAX TRUST FUND 2,083

SECTION 1C

SPECIFIC APPROPRIATION

GENERAL TAX ADMINISTRATION

1888B SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM ADMINISTRATIVE TRUST FUND 26,678

REVENUE MANAGEMENT INFORMATION CENTER

1888C SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM WORKING CAPITAL TRUST FUND 8,632

INFORMATION SYSTEMS AND SERVICES, DIVISION OF

1888D SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM ADMINISTRATIVE TRUST FUND 30,516

STATE COURT SYSTEM

SUPREME COURT

1888E SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM GENERAL REVENUE FUND 2,362

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES

1889 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM GENERAL REVENUE FUND 63,383

TRANSPORTATION, DEPARTMENT OF

FINANCE AND ADMINISTRATION

1890 SPECIAL CATEGORIES
 TRANSFER TO DIVISION OF ADMINISTRATIVE
 HEARINGS
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 94,544

1890A SPECIAL CATEGORIES
 TRANSFER TO DEPARTMENT OF MANAGEMENT
 SERVICES/INFORMATION RESOURCE COMMISSION
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 43,323

SECTION 1C

SPECIFIC APPROPRIATION

FROM TRANSPORTATION DISADVANTAGED TRUST FUND 140

1891 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS - CONSISTENCY REVIEW OF STATE TRANSPORTATION PLAN FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 259,953

1892 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF REVENUE FOR HIGHWAY TAX COMPLIANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 100,000

PLANNING AND ENGINEERING

1892A SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 92,479

TURNPIKE OPERATIONS

1892B SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,446

DISTRICT ADMINISTRATION

1892C SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 9,126

DISTRICT PLANNING AND PUBLIC TRANSIT

1892D SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,460

DISTRICT PRODUCTION

1892E SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES/INFORMATION RESOURCE COMMISSION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 54,261

SECTION 1C

SPECIFIC APPROPRIATION

DISTRICT OPERATIONS

| | | | |
|------|---|--|-----------|
| 1893 | SPECIAL CATEGORIES | | |
| | CONTRACT MAINTENANCE WITH DEPARTMENT OF | | |
| | CORRECTIONS | | |
| | FROM STATE TRANSPORTATION (PRIMARY) | | |
| | TRUST FUND | | 9,187,821 |

Funds in Specific Appropriation 1893 are provided for contracts with the Department of Corrections for the provision of inmate labor in the Highway Maintenance Program. The Executive Office of the Governor shall not release these funds until contracts have been signed pursuant to s. 339.08(3), Florida Statutes.

| | | | |
|-------|--|--|--------|
| 1893A | SPECIAL CATEGORIES | | |
| | TRANSFER TO DEPARTMENT OF MANAGEMENT | | |
| | SERVICES/INFORMATION RESOURCE COMMISSION | | |
| | FROM STATE TRANSPORTATION (PRIMARY) | | |
| | TRUST FUND | | 32,768 |

| | | | |
|-------------------------------------|-----------|-------------|-------------|
| TOTAL OF SECTION 1C | POSITIONS | 13 | |
| FROM GENERAL REVENUE FUND | | 341,164,336 | |
| FROM TRUST FUNDS | | | 411,804,048 |
| TOTAL ALL FUNDS | | | 752,968,384 |

SECTION 1D - PAYMENTS OF PENSIONS, BENEFITS AND CLAIMS

The moneys contained herein are appropriated from the named funds for payments of pensions, benefits and claims.

ADMINISTERED FUNDS

| | | | |
|------|---|--|---------|
| 1894 | PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS | | |
| | RELIEF/CITY OF HAINES CITY | | |
| | FROM GENERAL REVENUE FUND | | 100,000 |

CORRECTIONS, DEPARTMENT OF

SECTION 1D

SPECIFIC APPROPRIATION

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

| | | | |
|------|-------------------------------------|--|-------|
| 1895 | SPECIAL CATEGORIES | | |
| | STATE INSTITUTIONAL CLAIMS | | |
| | FROM GENERAL REVENUE FUND | | 2,000 |

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF STUDENT FINANCIAL ASSISTANCE

| | | | |
|------|---|--|------------|
| 1896 | SPECIAL CATEGORIES | | |
| | CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM | | |
| | FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND | | 66,240,000 |

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

HEALTH AND REHABILITATIVE SERVICES - ADMINISTRATION

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

| | | | |
|------|-------------------------------------|--|--------|
| 1897 | SPECIAL CATEGORIES | | |
| | STATE INSTITUTIONAL CLAIMS | | |
| | FROM GENERAL REVENUE FUND | | 13,500 |

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

FLORIDA HIGHWAY PATROL, DIVISION OF

| | | | |
|------|--|--|---------|
| 1898 | SPECIAL CATEGORIES | | |
| | PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS | | |
| | FROM HIGHWAY PATROL INSURANCE TRUST FUND | | 152,000 |

INSURANCE, DEPARTMENT OF, AND TREASURER

INSURER SERVICES, DIVISION OF

| | | | |
|------|---|--|---------|
| 1899 | FINANCIAL ASSISTANCE PAYMENTS | | |
| | PAYMENTS TO CLAIMANTS | | |
| | FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND | | 500,000 |

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

WORKERS' COMPENSATION, DIVISION OF

| | | | |
|------|--|--|------------|
| 1900 | SPECIAL CATEGORIES | | |
| | REIMBURSEMENT OF EMPLOYERS | | |
| | FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND | | 86,551,440 |

SECTION 1D

SPECIFIC APPROPRIATION

| | | |
|--|---|---|
| 1901 | FINANCIAL ASSISTANCE PAYMENTS SUPPLEMENTAL WORKERS' COMPENSATION BENEFITS FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND | 21,290,248 |
| UNEMPLOYMENT COMPENSATION, DIVISION OF | | |
| 1902 | FINANCIAL ASSISTANCE PAYMENTS UNEMPLOYMENT COMPENSATION BENEFITS FROM UNEMPLOYMENT COMPENSATION BENEFIT TRUST FUND | 1604,608,909 |
| LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL | | |
| OFFICE OF ATTORNEY GENERAL | | |
| 1903 | SPECIAL CATEGORIES AWARDS TO CLAIMANTS FROM CRIMES COMPENSATION TRUST FUND . . . | 15,000,000 |
| MANAGEMENT SERVICES, DEPARTMENT OF | | |
| RETIREMENT, DIVISION OF | | |
| 1904 | PENSIONS AND BENEFITS DISABILITY BENEFITS TO JUSTICES AND JUDGES FROM GENERAL REVENUE FUND | 185,696 |
| 1905 | PENSIONS AND BENEFITS FLORIDA NATIONAL GUARD FROM GENERAL REVENUE FUND | 4,175,618 |
| 1906 | PENSIONS AND BENEFITS MEMBERS BENEFITS FROM FLORIDA RETIREMENT SYSTEM TRUST FUND FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND | 1353,559,796 492,206 92,678,546 |
| 1907 | PENSIONS AND BENEFITS SPECIAL PENSIONS AND RELIEF ACTS FROM GENERAL REVENUE FUND | 9,775 |
| 1908 | PENSIONS AND BENEFITS STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY) FROM GENERAL REVENUE FUND | 2,140,700 |
| 1909 | PENSIONS AND BENEFITS TEACHER'S SPECIAL PENSIONS FROM GENERAL REVENUE FUND | 40,216 |

SECTION ID

SPECIFIC APPROPRIATION

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 s. 216, Florida Statutes, funds in Specific Appropriations 1910 through 1911, appropriated for payment of 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 s. 216.221 (3), Florida Statutes.

ADMINISTERED FUNDS - JUDICIAL

| | | |
|------|---|-----------|
| 1910 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES | |
| | FROM GENERAL REVENUE FUND | 5,086,910 |

Funds in Specific Appropriation 1910 shall be used solely for the payment of jurors and witnesses.

| | | |
|------|-------------------------------------|---------|
| 1911 | SPECIAL CATEGORIES | |
| | MEALS AND LODGING FOR JURORS | |
| | FROM GENERAL REVENUE FUND | 265,825 |

TOTAL OF SECTION ID

| | |
|-------------------------------------|------------|
| FROM GENERAL REVENUE FUND | 12,030,240 |
|-------------------------------------|------------|

| | |
|----------------------------|--------------|
| FROM TRUST FUNDS | 3241,073,145 |
|----------------------------|--------------|

| | |
|---------------------------|--------------|
| TOTAL ALL FUNDS | 3253,103,385 |
|---------------------------|--------------|

SECTION 1E. SALARIES AND BENEFITS - Fiscal Year 1994-95

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 1994-95 salary and benefit increases provided in Specific Appropriation 2. All allocations and distributions of these adjustments are to be made in strict accordance with the provisions of this act. All references to "base salary" in Section 1E, refer to salaries as of June 30, 1993.

1. SALARY INCREASES

SECTION 1E

SPECIFIC
APPROPRIATION

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

1) Funds are provided for pay increases for all employees represented by the (1) the Florida Police Benevolent Association, Law Enforcement and Security Services Units, (2) the Florida Nurses Association, and (3) Employees represented by the American Federation of State, County and Municipal Employees, Council 79. Additionally, funds are provided to implement pay provisions for all other Career Service Employees not represented by a collective bargaining unit. Funds are to be distributed as noted in the following paragraphs.

a. For all unit and non-unit employees subject to Career Service, other than certified law enforcement officers, professional health care employees, and security services employees, funds are provided for competitive pay adjustments of four percent (4%) on each employee's base salary, effective November 1, 1994. Additionally, the minimum of each pay grade shall be adjusted by 4% on November 1, 1994.

b. Each full-time Career Service employee shall receive a minimum increase of \$600. If the competitive pay adjustment provided above is less than \$600, each eligible employee shall receive an additional increase which provides the employee a total increase of \$600. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed minimum adjustment.

c. For all unit and non-unit certified law enforcement employees, funds are provided in Specific Appropriation 2 to grant each employee a competitive pay adjustment of four percent (4%) on their base salary, effective November 1, 1994.

For all unit and non-unit entry level certified law enforcement employees, funds are provided in Specific Appropriation 2 for a special pay adjustment of \$100 per month to be added to the base salary, effective November 1, 1994.

d. For all unit and non-unit professional health care employees, funds are provided in Specific Appropriation 2 to grant each employee a 4% competitive pay adjustment on their base salary to be effective on the employees' anniversary date, in accordance with the negotiated collective bargaining agreement.

Additionally, funds are provided for all unit and non-unit professional health care employees to address selected critical class adjustments, effective November 1, 1994, in accordance with the negotiated collective bargaining agreement.

e. Funds are provided in Specific Appropriation 2 for unit and non-unit correctional officer, institutional security specialist, and correctional probation officer classes to create a security services step pay plan with a guaranteed minimum increase of four percent (4%) of base salary in accordance with the negotiated collective bargaining agreement, effective November 1, 1994.

B. BOARD OF REGENTS

SECTION 1E

SPECIFIC
APPROPRIATION

1) University Support Personnel System

a. For all University Support Personnel System employees other than professional health care employees and certified law enforcement officers, funds are provided in Specific Appropriations 574A, 575, 576, 577 and 594 for a four percent (4%) competitive pay adjustment on each eligible employee's base salary, effective November 1, 1994. Eligible employees are those who have a current performance appraisal of at least "Achieves Performance Standards" on the effective date of the increase, the employee shall receive the increase if the employee attains an "Achieves" or "Exceeds Performance Standards" appraisal prior to July 1, 1995; such increase shall not be retroactive.

Additionally, funds are provided in Specific Appropriations 574A, 575, 576, 577 and 594 to provide each eligible full-time employee with a minimum annual salary increase of \$600. If the competitive pay adjustment is less than \$600, each eligible employee shall receive an additional increase which provides the employee a total annual increase of \$600. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed minimum adjustment.

The minimum and maximum of the pay ranges for these employees shall be increased by two (2) percent, effective on November 1, 1994.

b. Funds are provided in Specific Appropriations 574A, 575, 576, 577, and 594 for pay increases for all unit and non-unit professional health care employees effective November 1, 1994, in accordance with the negotiated agreement. This agreement provides that each step of the step pay plan is to be increased by one percent (1%), with a corresponding increase in the base salary of employees who are currently paid on a step. Employees' base salaries are then to be increased to the next higher step on the revised step pay plan. Employees who are at the maximum step of the pay range shall receive a lump sum payment in an amount comparable to a step pay adjustment (3%).

c. Funds are provided in Specific Appropriations 574A, 575, 576, and 577 for pay increases for all unit and non-unit certified law enforcement employees effective November 1, 1994, in accordance with the negotiated agreement. This agreement provides that employees' base salaries are to be increased to the next higher step on the revised step pay plan. Employees who are at the maximum step of the pay range shall receive a lump sum payment in an amount comparable to a step pay adjustment (approximately 4.6%).

Additionally, for all unit and non-unit entry level certified law enforcement employees, funds are provided for a special pay adjustment of \$100 per month to be added to the base salary, effective November 1, 1994. The step pay plan shall be adjusted accordingly.

2) Administrative and Professional

a. Funds are provided in Specific Appropriations 574A, 575, 576, 577, and 594 for an overall average four percent (4%) increase in the

SECTION 1E

SPECIFIC APPROPRIATION

base salaries on non-unit A&P positions, effective November 1, 1994. These funds are to be distributed at the discretion of the Board of Regents.

b. Funds are provided in Specific Appropriations 574A, 575, 576, 577, and 594 for an overall average four percent (4%) increase in the base salaries of unit A&P positions, effective November 1, 1994. These funds shall be distributed in accordance with the negotiated collective bargaining agreement.

3) General Faculty

a. Funds are provided in Specific Appropriations 574A, 575, 576, and 577 for an overall average four percent (4%) increase in the base salaries on non-unit faculty positions, effective November 1, 1994. These funds are to be distributed at the discretion of the Board of Regents.

b. Funds are provided in Specific Appropriations 574A, 575, 576, and 577 for an overall average four percent (4%) increase in the base salaries of unit faculty positions, effective November 1, 1994. These funds shall be distributed in accordance with the negotiated collective bargaining agreement.

c. Funds are provided in Specific Appropriations 574A, 575, 576, and 577 for an overall average four percent (4%) increase in the base salaries of unit graduate assistants (UF and USP), effective November 1, 1994. These funds shall be distributed in accordance with the negotiated agreement.

d. Funds are provided in Specific Appropriations 574A, 575, 576, and 577 for an overall average four percent (4%) increase in the base salaries on non-unit graduate assistants, medical interns, and housestaff, effective November 1, 1994. These funds shall be distributed at the discretion of the Board.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full time members of Boards and Commissions: Specific Appropriation 2 includes funding to provide salary increases on base salary, effective November 1, 1994. 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:

| | 7/1/94 | 11/1/94 |
|-----------------------------------|--------|---------|
| Governor..... | 97,850 | 101,764 |
| Lieutenant Governor..... | 93,730 | 97,479 |
| Secretary of State..... | 96,861 | 100,735 |
| Comptroller..... | 96,861 | 100,735 |
| Treasurer..... | 96,861 | 100,735 |
| Attorney General..... | 96,861 | 100,735 |
| Education, Commissioner of..... | 96,861 | 100,735 |
| Agriculture, Commissioner of..... | 96,861 | 100,735 |

SECTION 1E

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APPROPRIATION

| | | |
|---|---------|---------|
| Supreme Court Justice..... | 103,457 | 109,664 |
| Judges - District Courts of Appeal..... | 98,284 | 104,181 |
| Judges - Circuit Courts..... | 93,111 | 98,698 |
| Judges - County Courts..... | 82,765 | 87,731 |
| Commissioner - Public Service Commission..... | 92,727 | 96,436 |
| Public Employees Relations Commission Chrm..... | 69,907 | 72,703 |
| Public Employees Relations Commission Commissioners..... | 66,151 | 68,797 |
| Commissioner - Parole and Probation..... | 66,151 | 68,797 |

State Attorneys:

| | | |
|---|--------|---------|
| Circuits with 1,000,000 Population or less..... | 88,627 | 93,945 |
| Circuits over 1,000,000..... | 94,540 | 100,212 |

Each Circuit may add out of existing rate, an amount up to \$5,000 per annum to the salary fixed above for the State Attorney of that Circuit.

Public Defenders:

| | | |
|---|--------|--------|
| Circuits with 1,000,000 Population or less..... | 83,365 | 88,367 |
| Circuits over 1,000,000 | 89,634 | 95,012 |

Each Circuit may add out of existing rate, an amount up to \$5000 per annum to the salary fixed above for the Public Defender of that Circuit.

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, F.S. These population estimates shall become effective July 1, 1994 and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

Funds are provided in Specific Appropriation 2 for special pay adjustments of \$250 per month to State Attorney Investigators, effective July 1, 1994.

Funds are provided in Specific Appropriation 2 for a competitive pay adjustment of 6% for the General Master-LES, Judge of Compensation Claims and Chief Judge, in order to maintain the relationship with the Circuit Court Judges pursuant to Chapter 440, Florida Statutes, effective November 1, 1994.

2) Senior Management Service and Selected Exempt Service: Funds are provided for an overall average pay adjustment of four percent (4%) on the base salary of each Senior Management Service employee, effective November 1, 1994. These increases shall be distributed at the discretion of the Agency head, but shall be effective and provided November 1, 1994.

Funds are provided for an overall average pay adjustment of four percent

SECTION 1E

SPECIFIC
APPROPRIATION

(4%) on the base salary of each Selected Exempt Service employee, effective November 1, 1994. These increases shall be distributed at the discretion of the Agency head, but shall be effective and provided November 1, 1994.

Funds are provided in Specific Appropriation 2 to increase those DOAH Hearing Officers currently being paid \$77,017 or greater to the level of compensation for County Court Judges effective November 1, 1994. For DOAH Hearing Officers making less than \$77,017, funds have been provided to compensate them at \$81,136.

Funds are provided for an overall average pay adjustment for four percent (4%) on the base salary of unit employees of the Florida Federation of Physicians and Dentists in the Selected Exempt Service. These increases shall be distributed at the discretion of the Agency head and shall be effective and provided November 1, 1994.

3) Career Service Exempt and the Florida National Guard: Funds are provided for a competitive pay adjustment of four percent (4%) on each employee's base salary. Increases shall be effective and provided November 1, 1994.

D. JUDICIAL

1) Funds are provided to grant competitive pay adjustments of four percent (4%) on each employee's base salary, effective November 1, 1994.

2) Funds are provided for each full-time Judicial Branch employee to receive a minimum salary increase of \$600. If the competitive pay adjustment provided above is less than \$600, each eligible employee shall receive an additional increase which provides the employee a total increase of \$600. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed adjustment.

E. LOTTERY

1) Funds are provided for all Lottery support staff, for competitive pay adjustment of four percent (4%) on each employee's base salary, effective November 1, 1994.

2) Each full-time Lottery employee shall receive a minimum salary increase of \$600. If the competitive pay adjustment provided above is less than \$600, each eligible employee shall receive an additional increase which provides the employee a total increase of \$600. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed minimum adjustment.

3) Funds are provided for all Lottery Senior Staff for an overall average four percent (4%) increase on each employee's base salary, effective November 1, 1994. These funds are to be distributed at the discretion of the Agency head.

SECTION 1E

SPECIFIC
APPROPRIATION

F. CESA (Correctional Education School Authority)

1) Funds are provided to grant competitive pay adjustments of four percent (4%) on each employee's base salary in the Classified and Managerial Pay Plans within the Correctional Education School Authority. These increases shall be effective November 1, 1994.

2) Each full-time classified CESA employee shall receive a minimum salary increase of \$600. If the competitive pay adjustment provided above is less than \$600, each eligible employee shall receive an additional increase which provides the employee a total increase of \$600. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed minimum adjustment.

3) Funds are provided for competitive pay adjustments of four percent (4%) for all instructional and professional positions employed by the Correctional Educational School Authority, effective November 1, 1994.

2. BENEFITS

A. Health, Life and Disability Insurance

Funds are provided in each agency's budget to continue paying the current state share of the State Group Health Self-Insurance premiums, approved health maintenance organizations, and life and disability insurance premiums.

Beginning July 1, 1994, the State's contributions to the State Group Health Insurance Program shall be:

1) For subscribers enrolled in the State Group Health Insurance Plan under Individual Coverage; \$133.40 per month.

2) For subscribers enrolled in the State Group Health Insurance Plan under Family Coverage; \$268.14 per month.

3) All other subscriber premiums shall be adjusted accordingly.

Beginning July 1, 1994, employee contributions to the State's Group Health Insurance Program shall be:

1) For subscribers enrolled in the State Group Health Insurance Plan under Individual Coverage; \$26.02 per month.

2) For subscribers enrolled in the State Group Health Insurance Plan under Family Coverage; \$93.58 per month.

3) The maximum limit for out-of-pocket expense for the insured shall remain \$2,500.

4) Premiums for retirees covered under Medicare shall be determined in compliance with s. 112.0801, F.S.

SECTION 1E

SPECIFIC
APPROPRIATION

Further, the following benefits of the State Group Health Self-Insurance Plan shall be effective July 1, 1994.

- 1) Under the Prescription Drug Program, co-payments are as follows:
 - a. \$15.00 co-payment for brand-name drugs with card;
 - b. \$ 5.00 co-payment for generic drugs with card;
 - c. \$ 5.00 co-payment for generic mail order drugs;
 - d. \$15.00 co-payment for brand-name mail order drugs.

There shall be a 30-day supply limit on prescription card purchases; there shall be a 90-day supply limit for mail order or mail order prescription drug purchases.

2) The current pharmacy dispensing fee shall remain in effect. Additionally, participating pharmacies are required to utilize a point of sale device or on-line computer system to verify a participant's coverage. The state shall not be responsible or liable for the prescriptions of a person whose eligibility has not been verified by the State's contracted administrator or the Division of State Employee Insurance.

3) Effective July 1, 1994, co-payments of 30% shall be applied after the per visit fee, for non-preferred provider care physician services, and non-preferred provider outpatient hospital services.

4) There shall be a \$150 per-admission fee for preferred provider care hospital inpatient services and a \$300 per-admission fee for non-preferred provider care hospital inpatient services with no calendar year deductible for either.

5) There shall be a \$150 preferred provider care and a \$300 non-preferred provider care calendar year deductible applied to outpatient and all other services.

6) There shall be a \$100 per calendar year physical examination benefit for employees covered under the State Group Health Self-Insurance Plan.

The State Group Health Self-Insurance Plan benefits in effect on July 1, 1994, as provided by this Act, shall not be amended without appropriate legislative review in accordance with s. 110.123(5), F.S.

Prior to submission of the Governor's budget recommendations to the Legislature pursuant to s. 216.152, F.S., and again prior to each regular session of the Legislature, the Consensus Estimating Conference shall evaluate and project the financial condition of the employee group health self-insurance plan. This analysis shall also consider any financial impact of the State's use of health maintenance organizations on the funding of the self-insurance plan. The conference shall indicate whether the current plan premium rates are sufficient to fund projected plan claims and other expenses during the budget period.

SECTION 1E

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APPROPRIATION

Any proposed changes in the benefits provided under the state employee group health self-insurance plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless the Economic Estimating Conference determines that the plan modification is minor enough that such a statement is not necessary.

3. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the collective bargaining agreements between the Governor and the respective bargaining agents, except as noted:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full-time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at the current level, uniform maintenance and shoe allowances.

D. Continue to extend a personal holiday on a pro-rata basis to part-time employees who occupy authorized part-time positions.

E. Continue to pay employees on-call fees at the current level.

4. COLLECTIVE BARGAINING ISSUES AT IMPASSE

A. All other collective bargaining issues at impasse for the 1994-95 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.

B. Those proposed Career Service Reform rules at impasse as drafted by the Department of Management Services and contained in their publication entitled "CAREER SERVICE REFORM PRESENTATION TO THE LEGISLATURE" dated January 1994, shall be resolved as follows:

Rule 60K-2, relating to Career Service Pay Plans is approved as drafted, except that the rule shall not include a salary increase category of "functional proficiency" or a salary additive category of "workplace environment".

Rule 60L-18, relating to Lump Sum Bonus Payments is approved as drafted, except that the rule shall not include a lump sum bonus category of "functional proficiency".

Rule 60K-17, relating to Work Force Reduction is approved as drafted, except that the rule shall not provide for a reduction of retention points based on an employee's suspension.

Rule 60L-16, relating to Meritorious Service Awards is approved as

SECTION 1E

SPECIFIC
APPROPRIATION

drafted, except the rule shall provide that at least one employee on each agency awards advisory group shall be an employee who is represented by a statewide collective bargaining agent.

5. STUDIES AND REPORTS AND OTHER PROVISIONS

A. The Department of Management Services shall be authorized to contract for a comprehensive prescription drug program which is comprised of at least the following:

1) A computerized concurrent drug utilization review program that monitors the drug therapy of program participants in a realtime, on-line data processing environment. This system shall analyze the filling or re-filling of prescriptions against previously filled prescriptions and provide the pharmacist the opportunity to intercede and counsel participants regarding their drug therapy. Minimal criteria that will be examined by the system shall include drug-drug interactions, drug-age contraindications, over-utilization, under-utilization, inappropriate or excessive drug dosages, therapeutic duplication, or other situations that may endanger the health and welfare of program participants.

2) A retrospective drug utilization review program that analyzes the prescription drug prescribing, dispensing and utilization patterns of practitioners and program participants. Detailed computer-generated patient profiles shall be analyzed by a multi-disciplinary committee of health care professionals comprised of physicians and pharmacists skilled in drug therapy, pharmacology, and medical therapeutics. A comprehensive educational intervention program shall be used to notify practitioners of potential therapeutic complications, duplications, or other situations that may endanger the health and welfare of program participants.

B. Section 110.21, F.S., provides that each employing state agency may convert up to 10 percent of its Career Service positions to shared positions to provide part-time employment opportunities for employees. The Legislature regards the creation of shared positions and the conversion of full-time positions to shared positions to be an exemplary personnel practice and establishes a goal for each agency to participate at a rate of no less than one percent of its Career Service positions by December 31, 1994. The Department of Management Services shall report to the Legislature by January 15, 1995, the number and percentage of positions, by agency, which are filled by employees on a shared basis. Also, if indicated, the report shall include explanations should goals not be reached.

C. 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.

D. 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.

SECTION 1E

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APPROPRIATION

E. The Attorney General is authorized to continue to exceed the maximum of the pay range for the six Assistant Attorney General positions.

F. The approved annual salary rate for the Division of Administrative Hearings is \$3,351,491 and is inclusive of rate for a 4% salary increase effective 11/1/94.

SECTION 2 - FIXED CAPITAL OUTLAY

SPECIFIC APPROPRIATION

SECTION 2A - DEPARTMENT OF MANAGEMENT SERVICES MANAGED CONSTRUCTION

The moneys contained herein are appropriated from the named funds to the Department of Management Services, Division of Construction, for fixed capital outlay for the state agencies indicated.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

| | | | |
|-------|--|--|-------|
| 1911A | FIXED CAPITAL OUTLAY | | |
| | RENOVATE INSPECTION STATION - WHITE SPRINGS | | |
| | FROM GENERAL INSPECTION TRUST FUND | | 5,000 |

MARKETING AND DEVELOPMENT, DIVISION OF

| | | | |
|------|---|--|--------|
| 1912 | FIXED CAPITAL OUTLAY | | |
| | CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE | | |
| | FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | | 17,500 |

| | | | |
|------|--|--|---------|
| 1913 | FIXED CAPITAL OUTLAY | | |
| | MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE | | |
| | FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | | 800,000 |

PLANT INDUSTRY, DIVISION OF

| | | | |
|-------|--|--------|--|
| 1913A | FIXED CAPITAL OUTLAY | | |
| | CITRUS BUDWOOD SCREENHOUSE, WINTER HAVEN | | |
| | FROM GENERAL REVENUE FUND | 66,788 | |

FORESTRY, DIVISION OF

| | | | |
|-------|--|--------|--|
| 1914A | FIXED CAPITAL OUTLAY | | |
| | PREVENTIVE AND GENERAL MAINTENANCE - STATEWIDE | | |
| | FROM GENERAL REVENUE FUND | 99,975 | |

| | | | |
|-------|---|--|---------|
| 1914B | FIXED CAPITAL OUTLAY | | |
| | REPLACE FORESTRY STATIONS - MULTIPLE LOCATIONS | | |
| | FROM RELOCATION AND CONSTRUCTION TRUST FUND | | 781,405 |

Funds provided in Specific Appropriation 1914B are contingent upon a like amount reverting on June 30, 1994, and up to \$191,500 may be used for survey and remedial action necessary to eliminate contamination at the Naples Work Center prior to its sale.

SECTION 2A

SPECIFIC APPROPRIATION

1914C FIXED CAPITAL OUTLAY
 FORESTRY WORK CAMPS
 FROM GENERAL REVENUE FUND 2,000,000

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

BLIND SERVICES, DIVISION OF

1915 FIXED CAPITAL OUTLAY
 INTERSTATE VENDING PAVILIONS
 FROM TRAINING AND OPERATING TRUST FUND 100,000
 FROM U.S. TRUST FUND 300,000

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1916 FIXED CAPITAL OUTLAY
 SEWER LINE REPLACEMENT AND IMPROVEMENT -
 EVERGLADES YOUTH CAMP
 FROM STATE GAME TRUST FUND 45,910

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1916A FIXED CAPITAL OUTLAY
 ADDITION - KIRKMAN COMPLEX
 FROM ACCIDENT REPORTS TRUST FUND 428,704

FLORIDA HIGHWAY PATROL, DIVISION OF

1916B FIXED CAPITAL OUTLAY
 ADDITION TO HIGHWAY PATROL/DRIVER LICENSE
 FACILITY - CRESTVIEW, OKALOOSA COUNTY
 FROM ACCIDENT REPORTS TRUST FUND 271,464

1916C FIXED CAPITAL OUTLAY
 NEW FLORIDA HIGHWAY PATROL STATION - DUVAL
 COUNTY
 FROM GENERAL REVENUE FUND 1,744,916
 FROM ACCIDENT REPORTS TRUST FUND 1,000,000

From funds in Specific Appropriation 1916C the department may acquire an existing facility to replace the current Duval Highway Patrol Station.

DRIVER LICENSES, DIVISION OF

1916D FIXED CAPITAL OUTLAY
 MAJOR RENOVATIONS - STATEWIDE
 FROM ACCIDENT REPORTS TRUST FUND 115,450

SECTION 2A

SPECIFIC APPROPRIATION

| | | |
|------------------------------------|---|-----------|
| 1916E | FIXED CAPITAL OUTLAY HURRICANE DAMAGE - DRIVER LICENSE OFFICE - CORAL REEF FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND | 337,647 |
| 1916F | FIXED CAPITAL OUTLAY SECURITY SYSTEMS - DRIVER LICENSES OFFICES - STATEWIDE FROM ACCIDENT REPORTS TRUST FUND | 109,400 |
| MANAGEMENT SERVICES, DEPARTMENT OF | | |
| PURCHASING, DIVISION OF | | |
| 1918 | FIXED CAPITAL OUTLAY ROOF REPAIRS/REPLACEMENT STATEWIDE FROM SURPLUS PROPERTY REVOLVING TRUST FUND | 91,803 |
| 1919 | FIXED CAPITAL OUTLAY STATEWIDE CAPITAL DEPRECIATION - GENERAL FROM SURPLUS PROPERTY REVOLVING TRUST FUND | 191,189 |
| FACILITIES MANAGEMENT, DIVISION OF | | |
| 1920 | FIXED CAPITAL OUTLAY LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE FROM SUPERVISION TRUST FUND | 3,691,898 |
| 1921 | FIXED CAPITAL OUTLAY BUILDING SITE REPAIRS AND IMPROVEMENTS FROM SUPERVISION TRUST FUND | 42,567 |
| 1922 | FIXED CAPITAL OUTLAY REPAIR CENTRAL HEATING GENERATION AND DISTRIBUTION SYSTEMS FROM SUPERVISION TRUST FUND | 500,000 |
| 1923 | FIXED CAPITAL OUTLAY ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE FROM SUPERVISION TRUST FUND | 1,953,356 |
| 1924 | FIXED CAPITAL OUTLAY BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE FROM SUPERVISION TRUST FUND | 1,496,533 |
| 1925 | FIXED CAPITAL OUTLAY BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE FROM SUPERVISION TRUST FUND | 485,857 |

SECTION 2A

SPECIFIC
APPROPRIATION

| | | |
|-------|---|-----------|
| 1926 | FIXED CAPITAL OUTLAY MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE FROM SUPERVISION TRUST FUND | 281,371 |
| 1927 | FIXED CAPITAL OUTLAY PLUMBING SYSTEM MAINTENANCE AND REPAIR STATEWIDE FROM SUPERVISION TRUST FUND | 801 |
| 1928 | FIXED CAPITAL OUTLAY ROOF REPAIRS/REPLACEMENT STATEWIDE FROM SUPERVISION TRUST FUND | 124,502 |
| 1929 | FIXED CAPITAL OUTLAY SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE FROM SUPERVISION TRUST FUND | 83,816 |
| 1930A | FIXED CAPITAL OUTLAY RENOVATION OF FLETCHER BUILDING - PLANNING AND DESIGN FROM SUPERVISION TRUST FUND | 868,855 |
| 1932 | FIXED CAPITAL OUTLAY STATEWIDE CAPITAL DEPRECIATION - GENERAL FROM SUPERVISION TRUST FUND | 2,612,821 |
| 1933A | FIXED CAPITAL OUTLAY PLANNING AND DESIGN - KNOTT BUILDING FROM SUPERVISION TRUST FUND | 400,000 |
| 1933B | FIXED CAPITAL OUTLAY PLANNING AND DESIGN - GAINESVILLE REGIONAL SERVICE CENTER FROM SUPERVISION TRUST FUND | 605,012 |

Funds provided in Specific Appropriation 1933B are contingent upon the Gainesville Regional Service Center being built on lands donated to the state or currently owned by the state.

BUILDING CONSTRUCTION, DIVISION OF

| | | |
|------|--|-----------|
| 1934 | FIXED CAPITAL OUTLAY SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN \$100,000 STATEWIDE FROM SUPPLEMENTAL CONTRACTS TRUST FUND | 1,500,000 |
|------|--|-----------|

COMMUNICATIONS, DIVISION OF

| | | |
|------|---|-----------|
| 1936 | FIXED CAPITAL OUTLAY STATEWIDE LAW ENFORCEMENT RADIO SYSTEM FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND | 4,012,884 |
|------|---|-----------|

Funds provided in Specific Appropriation 1936 may

SECTION 2A

SPECIFIC APPROPRIATION

only be utilized for acquisition or construction of infrastructure (i.e.: radio towers, equipment shelters, generators and fences) required to support the Joint Task Force (JTF) radio system for state agency law enforcement in Phase II, and up to \$500,000 may be expended on any other state or local government owned tower that is presently in danger of structural failure as determined by a qualified engineering analysis, provided such tower can be determined to eventually fit into the (JTF) radio system design plan for statewide deployment and the owners contractually agree to shared usage with the JTF. Phase II radio tower sites are defined on page four of the JTF annual report for Calendar 1993 as submitted to the Legislature, Governor, and Cabinet in January, 1994. Phase II boundaries may be amended by the JTF Board in its July 1994 report subject to approval of the Administration Commission and requirements of section 216.177.

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

| | | |
|-------|---|---------|
| 1936A | FIXED CAPITAL OUTLAY LIFE SAFETY CODE COMPLIANCE - FIRE CODES FROM GENERAL REVENUE FUND | 100,000 |
| 1937 | FIXED CAPITAL OUTLAY ARMORY RANGE HOODS WITH FIRE SUPPRESSION - AGENCYWIDE FROM GENERAL REVENUE FUND | 150,000 |
| 1937A | FIXED CAPITAL OUTLAY WATER PLANT REPLACEMENT - JACKSONVILLE (SNYDER) FROM GENERAL REVENUE FUND | 250,000 |

STATE COURT SYSTEM

SUPREME COURT

| | | |
|-------|--|--------|
| 1937B | FIXED CAPITAL OUTLAY SUPREME COURT HANDICAPPED ACCESS TO THE PERSONNEL OFFICE FROM GENERAL REVENUE FUND | 30,500 |
| 1938 | FIXED CAPITAL OUTLAY SUPREME COURT SECURITY SYSTEM ENHANCEMENTS FROM GENERAL REVENUE FUND | 20,675 |

SECTION 2A

SPECIFIC
APPROPRIATION

DISTRICT COURTS OF APPEAL

| | | |
|-------|---|--------|
| 1939 | FIXED CAPITAL OUTLAY MINOR IMPROVEMENTS - SECOND DISTRICT COURT OF APPEAL BUILDING FROM GENERAL REVENUE FUND | 51,354 |
| 1940 | FIXED CAPITAL OUTLAY MINOR IMPROVEMENTS - THIRD DISTRICT COURT OF APPEAL FROM GENERAL REVENUE FUND | 35,595 |
| 1940A | FIXED CAPITAL OUTLAY STAIR SETTLEMENT HAZARD - FIRST DISTRICT COURT OF APPEAL FROM GENERAL REVENUE FUND | 13,000 |
| 1941 | FIXED CAPITAL OUTLAY REPLACE CHILLER/REPAIR INTERIOR AND CAULK WINDOWS - FOURTH DISTRICT COURT OF APPEAL FROM GENERAL REVENUE FUND | 42,920 |

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

| | | |
|-------|---|---------|
| 1941A | FIXED CAPITAL OUTLAY REPAVING/LIGHTING AND STRUCTURAL STUDY AT THE GROVE FROM GRANTS AND DONATIONS TRUST FUND . . . | 47,880 |
| 1941B | FIXED CAPITAL OUTLAY UPGRADE PARKING AT SAN LUIS ARCHAEOLOGICAL AND HISTORICAL SITE FROM GRANTS AND DONATIONS TRUST FUND . . . | 190,000 |

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

| | | |
|------|--|---------|
| 1943 | FIXED CAPITAL OUTLAY FIRE CODE VIOLATION CORRECTIONS FROM GENERAL REVENUE FUND | 197,500 |
|------|--|---------|

HISTORIC TALLAHASSEE PRESERVATION BOARD

| | | |
|-------|--|--------|
| 1943A | FIXED CAPITAL OUTLAY REPAIRS - BROKAW MCDUGALL HOUSE FROM GENERAL REVENUE FUND | 61,066 |
| 1944 | FIXED CAPITAL OUTLAY FIRE CODE VIOLATION CORRECTIONS FROM GENERAL REVENUE FUND | 56,882 |

SECTION 2A

SPECIFIC APPROPRIATION

HISTORIC FLORIDA KEYS PRESERVATION BOARD

| | | |
|-------|-------------------------------------|--------|
| 1944A | FIXED CAPITAL OUTLAY | |
| | FIRE CODE VIOLATION CORRECTIONS | |
| | FROM GENERAL REVENUE FUND | 12,000 |

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

| | | |
|-------|-------------------------------------|-----------|
| 1944B | FIXED CAPITAL OUTLAY | |
| | EMERGENCY REPAIRS | |
| | FROM GENERAL REVENUE FUND | 1,200,000 |

| | | |
|------|-------------------------------------|---------|
| 1945 | FIXED CAPITAL OUTLAY | |
| | FIRE CODE VIOLATION CORRECTIONS | |
| | FROM GENERAL REVENUE FUND | 300,000 |

TOTAL OF SECTION 2A

| | | |
|--|-------------------------------------|-----------|
| | FROM GENERAL REVENUE FUND | 6,433,171 |
|--|-------------------------------------|-----------|

| | | |
|--|----------------------------|------------|
| | FROM TRUST FUNDS | 23,493,625 |
|--|----------------------------|------------|

| | | |
|--|---------------------------|------------|
| | TOTAL ALL FUNDS | 29,926,796 |
|--|---------------------------|------------|

SECTION 2B - AGENCY MANAGED CONSTRUCTION

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for fixed capital outlay.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

| | | |
|------|-------------------------------------|---------|
| 1946 | FIXED CAPITAL OUTLAY | |
| | MAYO ROOF REPLACEMENT | |
| | FROM GENERAL REVENUE FUND | 135,000 |

| | | |
|-------|-------------------------------------|---------|
| 1946A | FIXED CAPITAL OUTLAY | |
| | RELOCATE AGRICULTURAL MUSEUM | |
| | FROM GENERAL REVENUE FUND | 300,000 |

SECTION 2B

SPECIFIC APPROPRIATION

FORESTRY, DIVISION OF

| | | |
|-------|---|-----------|
| 1947 | FIXED CAPITAL OUTLAY LAND ACQUISITION FROM FLORIDA PRESERVATION 2000 TRUST FUND | 8,700,000 |
| 1947A | FIXED CAPITAL OUTLAY ROAD IMPROVEMENTS - BLACKWATER RIVER STATE FOREST FROM GENERAL REVENUE FUND | 1,500,000 |
| 1947B | FIXED CAPITAL OUTLAY FORESTRY LAND ACQUISITION - STATEWIDE FROM INCIDENTAL TRUST FUND | 70,000 |

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

| | | |
|------|--|------------|
| 1948 | FIXED CAPITAL OUTLAY LAND ACQUISITION FROM FLORIDA PRESERVATION 2000 TRUST FUND | 30,000,000 |
|------|--|------------|

From funds in Specific Appropriation 1948, not less than \$10,000,000 shall be allocated for grants to local governments with a population of less than 10,000, with no requirements for qualifications beyond those authorized in section 380.5, Florida Statutes. These grants shall not require local matching funds.

From the Funds provided in Specific Appropriation 1948, \$10,000,000 shall be used for funding projects and proposals for land acquisition that demonstrate the potential to mitigate juvenile crime through the provision of recreational opportunities. The Florida Communities Trust shall coordinate with the Drug Control and System Improvement Program (Department of Community Affairs) and the Juvenile Justice and Delinquency Prevention Program (Department of Health and Rehabilitative Services) to identify funds available to local governments for programs that demonstrate the potential to mitigate juvenile crime through the provision of recreational opportunities.

CORRECTIONS, DEPARTMENT OF

ASSISTANT SECRETARY FOR HEALTH SERVICES

| | | |
|------|---|------------|
| 1950 | FIXED CAPITAL OUTLAY MENTAL HEALTH FACILITIES FROM GENERAL REVENUE FUND | 11,155,000 |
|------|---|------------|

Funds are provided in Specific Appropriation 1950

SECTION 2B

SPECIFIC APPROPRIATION

for the construction of 290 mental health beds.

| | | |
|------|--|-----------|
| 1951 | FIXED CAPITAL OUTLAY NEW, EXPANDED AND IMPROVEMENTS TO MEDICAL FACILITIES FROM GENERAL REVENUE FUND | 3,000,000 |
|------|--|-----------|

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

| | | |
|------|---|-----------|
| 1953 | FIXED CAPITAL OUTLAY LAND ACQUISITION FROM GENERAL REVENUE FUND | 2,500,000 |
|------|---|-----------|

| | | |
|------|---|-----------|
| 1954 | FIXED CAPITAL OUTLAY MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS FROM GENERAL REVENUE FUND | 1,000,000 |
|------|---|-----------|

From the funds in Specific Appropriation 1954, the Department of Corrections may construct a new kitchen facility at Brevard Correctional Institution.

| | | |
|-------|---|-----------|
| 1954A | FIXED CAPITAL OUTLAY IMPROVEMENTS TO SECURITY SYSTEMS FROM GENERAL REVENUE FUND | 2,045,000 |
|-------|---|-----------|

| | | |
|------|--|-----------|
| 1955 | FIXED CAPITAL OUTLAY PLANNING FOR NEW INSTITUTIONS FROM GENERAL REVENUE FUND | 3,400,000 |
|------|--|-----------|

| | | |
|------|---|-----------|
| 1956 | FIXED CAPITAL OUTLAY CORRECTION, ENVIRONMENTAL DEFICIENCIES FROM GENERAL REVENUE FUND | 1,300,000 |
|------|---|-----------|

From the funds in Specific Appropriation 1956, \$300,000 shall be used to implement the provisions of Chapter 93-404, Laws of Florida, relating to the Florida Corrections Commission. The Task Force for the Review of the Criminal Justice and Corrections Systems, established in Chapter 93-404, Laws of Florida, is authorized to use up to \$150,000 of the funds appropriated to the Florida Corrections Commission.

| | | |
|------|---|-------------|
| 1957 | FIXED CAPITAL OUTLAY FACILITIES PROVIDING ADDITIONAL CAPACITY FROM GENERAL REVENUE FUND | 243,568,750 |
|------|---|-------------|

Funds are provided in Specific Appropriation 1957 for the construction of the following: one single cell institution (1,318 beds); four combination institutions (1,183 beds each); four work camps (262 beds each); twenty single cell housing units at

SECTION 2B

SPECIFIC APPROPRIATION

existing institutions (176 beds each); additional dormitories at existing institutions (605 total beds); and renovations to existing dormitories or conversion of existing buildings (334 total beds).

Sites for facilities in Gulf, Santa Rosa, Okeechobee, St. Johns, and Wakulla counties shall be given first priority for the above facilities unless the Department determines and documents that no site meeting the established siting criteria of the Department is available in the above listed counties.

Pursuant to Section 944.711, Florida Statutes, the Department of Corrections is hereby authorized to contract with a private vendor to construct a 1318 bed single cell close custody institution to be operated by the Department of Corrections. The cost of construction will be secured through a lease-purchase financing agreement.

| | | |
|-------|--|-----------|
| 1957A | FIXED CAPITAL OUTLAY | |
| | NEW AND EXPANDED STAFF FACILITIES | |
| | FROM SALE OF GOODS AND SERVICES CLEARING | |
| | TRUST FUND | 1,062,500 |

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION
OFFICE OF EDUCATIONAL FACILITIES

| | | |
|-------|---|-----------|
| 1957B | FIXED CAPITAL OUTLAY | |
| | STATE UNIVERSITY SYSTEM FACILITY | |
| | ENHANCEMENT - CHALLENGE GRANT PROGRAM | |
| | FROM EDUCATIONAL ENHANCEMENT TRUST FUND | 2,375,180 |

The following projects for the State University System are included in Specific Appropriation 1957B in accordance with the provisions of s. 240.261, Florida Statutes:

| | |
|---|-----------|
| UF - Citrus Processing Laboratory..... | 115,000 |
| UF - Animal Resource Facility - | |
| Brain Institute | 1,370,000 |
| UF - Environmental Stress Laboratory... | 207,700 |
| UF - Addition to Equine Reproduction | |
| Stables..... | 70,000 |
| UWF - Bailey Center Expansion..... | 173,550 |
| UWF - UF/UWF Electrical Engineering | |
| Program..... | 138,910 |
| FIU - Wertheim Conservatory..... | 50,000 |
| FIU - Completion of Arts Complex..... | 250,000 |

SECTION 2B

SPECIFIC APPROPRIATION

UNIVERSITIES, DIVISION OF BOARD OF REGENTS GENERAL OFFICE

| | | |
|-------|---|------------|
| 1957C | FIXED CAPITAL OUTLAY STATE UNIVERSITY SYSTEM CONCURRENCY REQUIREMENTS FROM STATE UNIVERSITY SYSTEM CONCURRENCY TRUST FUND | 10,000,000 |
|-------|---|------------|

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

| | | |
|------|---|-----------|
| 1958 | FIXED CAPITAL OUTLAY ACQUISITION OF RAILROAD RIGHTS OF WAY FROM FLORIDA PRESERVATION 2000 TRUST FUND | 3,900,000 |
|------|---|-----------|

| | | |
|-------|--|---------|
| 1958A | FIXED CAPITAL OUTLAY NEW CENTRAL FLORIDA FIELD OFFICE - MINE RECLAMATION/AQUATIC PLANTS FROM NON-MANDATORY LAND RECLAMATION TRUST FUND | 155,000 |
|-------|--|---------|

| | | |
|------|--|-----------|
| 1959 | FIXED CAPITAL OUTLAY NON-MANDATORY LAND RECLAMATION PROJECTS FROM NON-MANDATORY LAND RECLAMATION TRUST FUND | 9,975,000 |
|------|--|-----------|

| | | |
|-------|---|---------|
| 1959A | FIXED CAPITAL OUTLAY EXPANSION OF APALACHICOLA LABORATORY FACILITY FROM GENERAL REVENUE FUND | 208,571 |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | 489,000 |

| | | |
|------|--|-----------|
| 1960 | FIXED CAPITAL OUTLAY LAND ACQUISITION FROM FLORIDA PRESERVATION 2000 TRUST FUND | 8,700,000 |
|------|--|-----------|

| | | |
|------|--|-------------|
| 1961 | FIXED CAPITAL OUTLAY LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE FROM CONSERVATION AND RECREATION LANDS TRUST FUND | 35,000,000 |
| | FROM FLORIDA PRESERVATION 2000 TRUST FUND | 150,000,000 |

| | | |
|------|--|---------|
| 1962 | FIXED CAPITAL OUTLAY RAINBOW SPRINGS STATE RECREATION AREA - PLANNING AND DESIGN FROM CONSERVATION AND RECREATION LANDS TRUST FUND | 100,000 |
|------|--|---------|

SECTION 2B

SPECIFIC APPROPRIATION

| | | | |
|--|---|---------|-----------|
| 1962A | FIXED CAPITAL OUTLAY BOCA RATON INLET MANAGEMENT PLAN FROM GENERAL REVENUE FUND | 515,500 | |
| | FROM BEACH MANAGEMENT TRUST FUND | | 684,500 |
| 1962B | FIXED CAPITAL OUTLAY INLET SAND TRANSFER PROJECTS - STATEWIDE FROM BEACH MANAGEMENT TRUST FUND | | 1,900,000 |
| <p>Funds in Specific Appropriation 1962B are provided to match federal funds available for inlet management and sand transfer projects. Any surplus funds remaining in this appropriation after matching federal projects shall be used for the completion of any inlet management plan implementation phase for which a specific line-item appropriation is not otherwise contained herein.</p> | | | |
| 1963 | FIXED CAPITAL OUTLAY STRUCTURE STABILIZATION - FORT CLINCH FROM LAND ACQUISITION TRUST FUND | | 300,000 |
| 1964 | FIXED CAPITAL OUTLAY PARK DEVELOPMENT - HOMOSASSA SPRINGS FROM CONSERVATION AND RECREATION LANDS TRUST FUND | | 200,000 |
| 1964A | FIXED CAPITAL OUTLAY LOVERS KEY PARK DEVELOPMENT/CARL JOHNSON SITE FROM LAND ACQUISITION TRUST FUND | | 500,000 |
| 1965A | FIXED CAPITAL OUTLAY BEACH RENOURISHMENT/MAINTENANCE - VENICE BEACH FROM BEACH MANAGEMENT TRUST FUND | | 200,000 |
| 1965B | FIXED CAPITAL OUTLAY RENOVATIONS AND REPAIRS - NATIONAL ESTUARINE RESEARCH RESERVES FROM GENERAL REVENUE FUND | 107,000 | |
| | FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | | 250,000 |
| 1966 | FIXED CAPITAL OUTLAY GRANTS AND DONATIONS SPENDING AUTHORITY FROM GRANTS AND DONATIONS TRUST FUND | | 6,096,800 |
| 1967 | FIXED CAPITAL OUTLAY FACILITY REPAIR NEEDS - STATEWIDE FROM LAND ACQUISITION TRUST FUND | | 2,250,000 |
| 1967A | FIXED CAPITAL OUTLAY RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE FROM LAND ACQUISITION TRUST FUND | | 1,217,000 |

SECTION 2B

SPECIFIC APPROPRIATION

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

| | | |
|------|--|-----------|
| 1968 | FIXED CAPITAL OUTLAY LAND ACQUISITION FROM FLORIDA PRESERVATION 2000 TRUST FUND | 8,700,000 |
|------|--|-----------|

| | | |
|------|--|-----------|
| 1969 | FIXED CAPITAL OUTLAY MITIGATION PARK LAND ACQUISITION FROM FISH AND WILDLIFE HABITAT TRUST FUND | 1,200,000 |
|------|--|-----------|

LAW ENFORCEMENT, DIVISION OF

| | | |
|------|--|---------|
| 1970 | FIXED CAPITAL OUTLAY CONSTRUCT SHOOTING RANGE - TENOROC FROM STATE GAME TRUST FUND | 500,000 |
|------|--|---------|

WILDLIFE, DIVISION OF

| | | |
|------|--|---------|
| 1971 | FIXED CAPITAL OUTLAY DUCKS UNLIMITED MARSH PROJECT - ST. JOHNS RIVER FROM STATE GAME TRUST FUND | 206,000 |
|------|--|---------|

| | | |
|------|--|--------|
| 1972 | FIXED CAPITAL OUTLAY WHOOPIING CRANE RELEASE PENS - THREE LAKES WILDLIFE MANAGEMENT AREA (NGTF) FROM NON-GAME WILDLIFE TRUST FUND | 30,000 |
|------|--|--------|

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

HEALTH AND REHABILITATIVE SERVICES - ADMINISTRATION

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

| | | |
|------|---|------------|
| 1973 | FIXED CAPITAL OUTLAY DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FIXED CAPITAL NEEDS FOR CENTRALLY MANAGED FACILITIES FROM ADMINISTRATIVE TRUST FUND | 10,080,900 |
|------|---|------------|

DISTRICT SERVICES

HEALTH SERVICES

| | | |
|------|--|-----------|
| 1974 | FIXED CAPITAL OUTLAY COUNTY HEALTH AND REHABILITATIVE SERVICES' PUBLIC HEALTH UNITS FROM GENERAL REVENUE FUND | 8,662,650 |
| | FROM ADMINISTRATIVE TRUST FUND | 4,419,100 |

Funds in Specific Appropriation 1974 are to be

SECTION 2B

SPECIFIC APPROPRIATION

distributed for the following County Public Health Units. Computation for providing each county's share is based on the following methodology: Funds are provided to cover the total state contribution for each project up to a maximum of \$2,000,000 for each county. Receipt of such funding shall not obligate the state to provide any additional fixed capital out-year expenditures.

| | |
|------------------------|------------|
| Bradford | \$ 551,750 |
| Hendry | 1,843,000 |
| Polk | 975,000 |
| Hardee | 2,000,000 |
| Pinellas | 2,000,000 |
| Pasco | 2,000,000 |
| Broward | 2,000,000 |
| Santa Rosa | 1,000,000 |
| St. Lucie | 112,000 |
| Little Havana/Overtown | 600,000 |

DELINQUENCY SERVICES

1975 FIXED CAPITAL OUTLAY
 YOUTH SERVICES PROGRAMS - STATEWIDE
 FROM GENERAL REVENUE FUND 52,646,379

Funds in Specific Appropriation 1975 are for the implementation of Juvenile Justice Reform.

From the funds in Specific Appropriation 1975, \$12,440,244 is provided for 172 secure detention beds; \$40,206,135 is provided for 837 commitment beds which are as follows: 180 boot camp beds; 103 low risk (level IV) beds; 187 moderate (level VI) beds; 67 high risk (level VIII); and 300 maximum risk (level X) beds.

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1976 FIXED CAPITAL OUTLAY
 ASBESTOS ABATEMENT - REED ACT BUILDING - STATEWIDE
 FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 415,500

1977 FIXED CAPITAL OUTLAY
 REED ACT BUILDINGS PROJECTS - STATEWIDE
 FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 985,600

1977A FIXED CAPITAL OUTLAY
 SARASOTA - BUILDING TRADE
 FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 1,100,000

SECTION 2B

SPECIFIC APPROPRIATION

| | | |
|-------|--|-----------|
| 1977B | FIXED CAPITAL OUTLAY GAINESVILLE - BUILDING TRADE FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND | 750,000 |
| 1977C | FIXED CAPITAL OUTLAY HOLLYWOOD - BUILDING TRADE FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND | 1,400,000 |
| 1977D | FIXED CAPITAL OUTLAY FT. WALTON BEACH - BUILDING TRADE FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND | 515,000 |
| 1977E | FIXED CAPITAL OUTLAY WINTER HAVEN - BUILDING TRADE FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND | 995,000 |
| 1977F | FIXED CAPITAL OUTLAY FACILITY ACQUISITION - FT LAUDERDALE FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND | 2,500,000 |
| 1977G | FIXED CAPITAL OUTLAY LAND ACQUISITION FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND | 768,000 |

MANAGEMENT SERVICES, DEPARTMENT OF FACILITIES MANAGEMENT, DIVISION OF

| | | |
|------|--|-----------|
| 1978 | FIXED CAPITAL OUTLAY INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE FROM SUPERVISION TRUST FUND | 1,016,708 |
|------|--|-----------|

STATE COURT SYSTEM

DISTRICT COURTS OF APPEAL

| | | |
|-------|---|---------|
| 1978A | FIXED CAPITAL OUTLAY LAND ACQUISITION - FIFTH DISTRICT COURT OF APPEAL FROM GENERAL REVENUE FUND | 603,191 |
|-------|---|---------|

SECTION 2B

SPECIFIC
APPROPRIATION

TRANSPORTATION, DEPARTMENT OF

FINANCE AND ADMINISTRATION

| | | |
|------|--|-----------|
| 1979 | FIXED CAPITAL OUTLAY RENOVATIONS - HEATING, VENTILATION AND AIR CONDITIONING - BURNS BUILDING FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 2,892,411 |
|------|--|-----------|

PLANNING AND ENGINEERING

| | | |
|------|--|--------|
| 1980 | FIXED CAPITAL OUTLAY CODE AND SAFETY CORRECTIONS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 98,000 |
|------|--|--------|

| | | |
|------|--|---------|
| 1981 | FIXED CAPITAL OUTLAY FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 180,000 |
|------|--|---------|

| | | |
|------|---|---------|
| 1982 | FIXED CAPITAL OUTLAY RADIO COMMUNICATIONS PROGRAM (TOWERS/ANTENNAES) - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 280,000 |
|------|---|---------|

TURNPIKE OPERATIONS

| | | |
|------|--|---------|
| 1983 | FIXED CAPITAL OUTLAY CONSTRUCTION - TURNPIKE OPERATIONS CENTER - POMPANO SERVICE PLAZA FROM TURNPIKE GENERAL RESERVE TRUST FUND | 827,000 |
|------|--|---------|

DISTRICT ADMINISTRATION

| | | |
|------|---|---------|
| 1984 | FIXED CAPITAL OUTLAY OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 890,000 |
|------|---|---------|

| | | |
|------|--|---------|
| 1985 | FIXED CAPITAL OUTLAY CONSTRUCTION AND TESTING LABORATORY AND OFFICE - MIAMI FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 460,000 |
|------|--|---------|

| | | |
|------|---|-----------|
| 1986 | FIXED CAPITAL OUTLAY ANNEX - BARTOW DISTRICT OFFICE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 3,389,964 |
|------|---|-----------|

SECTION 2B

SPECIFIC APPROPRIATION

| | | |
|---------------------|--|-----------|
| 1987 | FIXED CAPITAL OUTLAY ADDITION - DISTRICT OFFICE - DELAND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 1,200,000 |
| 1988 | FIXED CAPITAL OUTLAY AUDITORIUM - SIXTH DISTRICT OFFICE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 634,400 |
| DISTRICT OPERATIONS | | |
| 1989 | FIXED CAPITAL OUTLAY CODE AND SAFETY CORRECTIONS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 630,000 |
| 1990 | FIXED CAPITAL OUTLAY HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 250,000 |
| 1991 | FIXED CAPITAL OUTLAY ROOF REPLACEMENT AND REPAIRS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 36,600 |
| 1991A | FIXED CAPITAL OUTLAY CONSTRUCTION - SUB-MAINTENANCE YARD - LECANTO FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 210,000 |
| 1992 | FIXED CAPITAL OUTLAY FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 4,639,025 |
| 1993 | FIXED CAPITAL OUTLAY JACKSONVILLE URBAN OFFICE REPAIRS, RENOVATIONS, ADDITIONS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 532,000 |
| 1994 | FIXED CAPITAL OUTLAY UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 2,000,000 |
| 1995 | FIXED CAPITAL OUTLAY MAINTENANCE FACILITY - PERRY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 2,377,600 |

SECTION 2B

SPECIFIC APPROPRIATION

| | | | |
|------|--|-------------|-------------|
| 1996 | FIXED CAPITAL OUTLAY RELOCATION MAINTENANCE YARD - TALLAHASSEE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | | 1,600,000 |
| | TOTAL OF SECTION 2B | | |
| | FROM GENERAL REVENUE FUND | 332,647,041 | |
| | FROM TRUST FUNDS | | 332,833,768 |
| | TOTAL ALL FUNDS | | 665,480,809 |

SECTION 2C - PUBLIC EDUCATION CAPITAL OUTLAY

The moneys contained herein are appropriated from the named funds to the Department of Education, as amounts for fixed capital outlay to be expended for each specified phase from funds accruing under Section 9(a)(2), Article XII of the State Constitution as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in cost shall be funded by funds other than those appropriated herein. The provisions of s. 216.301(3)(a), F.S., shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund. The Executive Office of the Governor may, for state educational agencies to receive these monies from the Department of Education, establish additional fixed capital outlay appropriation within trust funds of state educational agencies for the purpose of making fixed capital outlay project expenditures appropriated herein.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

The Legislature hereby finds and determines that the items and sums designated in this section 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 specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under s. 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned

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SPECIFIC APPROPRIATION

in such a way as to provide that the amounts specified shall not be exceeded, or any excess in costs shall be funded by funds other than those appropriated herein and each project shall be constructed on the site specified. The provisions of s. 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 1994-95 appropriation.

1997 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,048,130

Funds provided in Specific Appropriation 1997 shall be allocated as follows for projects which shall comply with s. 235.199, Florida Statutes:

- St. Johns School Board-
St. Augustine Technical Center
Public Safety Complex (p,c,e).....1,048,130

1998 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 121,198,901

Funds provided in Specific Appropriation 1998 shall be allocated in accordance with s. 235.435(1), Florida Statutes as follows:

- Public Schools..... \$ 94,758,496
Community Colleges..... 9,507,053
State University System..... 16,933,352

1999 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 293,460,813

Funds provided in Specific Appropriation 1999 shall be allocated in accordance with s. 235.435(3), and s. 228.053(9)(e), Florida Statutes.

2000 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 182,071,437

The following community college projects are included in the funds provided in Specific Appropriation 2000:

- Brevard - Gen ren/rem, Gym, Stu Cen,

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SPECIFIC APPROPRIATION

| | |
|--|-----------|
| Indus Tech & Voc Bldgs..... | 1,900,000 |
| JT/UCF Library - Cocoa complete (e).... | 750,000 |
| Adjacent land acquisition - Palm Bay complete (spc)..... | 2,600,000 |
| Broward - Health Sciences Bldg North complete (c,e)..... | 2,217,267 |
| Gen ren/rem HVAC, parking, lights, drain, fence, comm sys, PE fields..... | 1,852,000 |
| Stu Svcs Bldg - South complete (p,c,e)... | 7,814,880 |
| Central Florida - Site/School acq & rem/rem - Ocala complete (c,e)... | 507,200 |
| Basic Science Bldg Add complete (c,e)... | 594,000 |
| Citrus County Center partial (p,c,e).... | 4,490,556 |
| Gen ren/rem, handicap access, roofs, Site Improvements..... | 846,000 |
| Chipola - Gen ren/rem, commun sys Lib security sys..... | 381,000 |
| Daytona - Health Education Bldg 4 addition/Rem - DB complete (p,c,e).... | 3,780,725 |
| Rem/rem Languages Bldg #1 - DB..... | 420,648 |
| Clrm/Lab/Office Bldg-W Vol compl (c,e)... | 1,323,351 |
| Gen ren/rem, lights, elec dis, u-grd utilities, asbestos abate, Gym..... | 1,025,692 |
| Rem/rem Hillest, Highlds, Bldgs #38 & #39 Bldgs. - DB..... | 938,483 |
| Edison - Gen ren/rem, Physical Plt, enevroy proj 8 bldgs, site improv..... | 403,622 |
| Charlotte Center Bldgs, Partial (c,e)... | 6,402,011 |
| Florida @ Jacksonville - Performing & Visual Arts Center South compl (c,e)... | 1,750,250 |
| PE Outdoor Athl Facs & Gym - North complete (c,e)..... | 2,910,017 |
| Gen Ren/rem, HVAC energy mgt sys..... | 979,391 |
| Rem/rem Grand Boulevard Mall partial... | 952,000 |
| Florida Keys - Ren/rem spalling walls, Bldgs 100,200,300 cent chiller, flooring..... | 511,000 |
| Buildings Replacement Ph I partial (p,c) | 5,676,383 |
| Gulf - Ren/rem HVAC, engy mgt sys, Gym... | 1,250,000 |
| Hillsborough - Aud/Exhib/Stu Svcs Fac - DM complete (e)..... | 937,738 |
| Gen ren/rem, cent HVAC, energy mgt, ext panels, parking, ADA..... | 3,454,992 |
| Rem/rem LRC/Stu Serv Bldg 401 to Clsrms, Labs - PC..... | 1,284,374 |
| Rem/rem Lib,Sci,Hum Bldg - DM partial.. | 1,339,554 |
| Adjacent land acquisition - DM partial (spc)..... | 2,200,000 |
| Pub Serv Tech Bldg - Ybor Cty part (p)... | 670,724 |
| Clsrms/Sci Labs/Off Bldg - DM part (p)... | 694,743 |
| Indian River - Gen ren/rem, utilities, HVAC, fire alarm sys, roofs, ADA..... | 1,140,934 |
| Lake City - Ren/rem Facility 36, parking.. | 329,435 |
| Rem/rem Social Science Facility 4..... | 400,550 |
| Lake Sumter - Gen ren/rem, engy mgt sys, util, pking, signs, lights, walks.... | 821,000 |
| Rem/rem Fine Arts Ctr Bldg 10..... | 220,000 |

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|--|------------|
| Classroom Facility complete (c,e)..... | 250,000 |
| Manatee - Life Fitness/PE Fac - | |
| Venice complete (c,e)..... | 464,467 |
| Gen ren/rem, chiller & boiler - M | |
| water supply - S..... | 890,201 |
| Miami - Wolfson Ctr Ph III compl (c,e).. | 2,500,000 |
| Homestead Campus Ph IIB partial (p,c)... | 600,000 |
| Fine Art/Hum Ctr, Garage & CUP-Kendall | |
| complete (e)..... | 5,000,000 |
| Gen ren/rem - collegewide..... | 4,500,000 |
| Rem/rem clrms/lab/sup-Medical Center... | 2,141,672 |
| Rem/rem clrms/labs/support fac-North... | 2,838,000 |
| Rem/rem clrms/labs/sup fac-Wolfson | |
| partial..... | 2,756,455 |
| Rem/rem clrms,offs, labs, lib, other- | |
| Kendall partial..... | 3,200,000 |
| Clsrms/Aud/Stu Svcs - Med C partial (c). | 13,000,000 |
| Mass Communications Ctr - N partial (p). | 1,571,000 |
| North Florida - Gen ren/rem, site imp, | |
| roofing, handicap access, ADA..... | 664,085 |
| Okaloosa - Instructional Arts Ctr, | |
| clsrms, amphithr complete (c,e)..... | 1,693,860 |
| Gen ren/rem site imps, emergency | |
| roof repair - collegewide..... | 1,639,427 |
| Palm Beach - Vocational/Technical Bldg - | |
| Central complete (c,e)..... | 8,365,866 |
| Gen Clrms Bldg 2-Eissey complete (e)... | 725,000 |
| Gen ren/rem,roofs,safety & haz mat | |
| removal,clsrms,walks,parking..... | 720,650 |
| Rem/rem Stu Services, | |
| Dental Tech - Central..... | 423,000 |
| Cultural Center Addition - Glades | |
| complete (p,c,e)..... | 245,000 |
| Pasco - Allied Health Inst Fac | |
| partial (c,e)..... | 1,419,454 |
| Student Svcs Center - West, compl (c,e). | 845,890 |
| Ren/rem Administration/Classroom | |
| Bldg 1, utility sys - West..... | 1,004,035 |
| Pensacola - Community Instruction | |
| Center - Milton partial (c)..... | 5,803,280 |
| Gen ren/rem, roofs, Bldgs 6 & 7..... | 1,481,000 |
| Rem/rem Old ETV Ctr Bldg 2 - Main..... | 1,091,964 |
| Adjacent land acquisition - Main | |
| partial (spc)..... | 1,500,000 |
| Polk - Ren/rem Bldg 3, HVAC, elec & | |
| security sys, ADA, asbestos rem..... | 1,036,043 |
| Rem/rem Multi-Service Bldg 13 | 433,236 |
| St. Johns River - St. Augustine Center | |
| Ph I & II complete (c,e)..... | 6,906,010 |
| Gen ren/rem,comm & security sys,Cen | |
| Recvg,Gym,remv ungrd tank..... | 1,343,870 |
| Rem/rem StuSvcs,LRC,Science,Tech Bldgs.. | 663,788 |
| St. Petersburg - Crim Just Ed Trng Cen | |
| Ph II/rem-Allstate complete (c,e)..... | 1,688,872 |
| Gen ren/rem 5 bldgs,HVAC & Gym..... | 1,713,493 |
| Seminole Campus PH I partial (c)..... | 5,160,000 |
| LRC, PE, IMTS, Stu Ser, AV, Clsrms, | |

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| | |
|--|-----------|
| Off, & rem-TS comp (c,e)..... | 852,965 |
| Santa Fe - Rem/rem Bldgs P & J..... | 472,667 |
| Law Enforcement Lab complete (c,e)..... | 1,142,508 |
| Student Services Center complete (c,e).. | 530,516 |
| Gen ren/rem,HVAC,ADA-collegewide..... | 900,000 |
| Biological Parks Lab Fac partial (p).... | 160,000 |
| Seminole - Ren/rem energy mgt sys, road, communications sys..... | 1,030,900 |
| Rem/rem Vocational Bldgs V,K,J..... | 689,238 |
| Land Acquisition - East Center Site (spc)..... | 2,800,000 |
| South Florida - Horticulture lab, offices complete (c,e)..... | 950,000 |
| Ren parking, energy mgt sys, security, undergnd util..... | 984,000 |
| Tallahassee - Gen ren/rem,site impv,CEP const, utls infrastructure..... | 3,077,968 |
| Adjacent land acquisition con't partial (spc)..... | 1,500,000 |
| Student Union Bldg partial (p,c)..... | 3,200,000 |
| Valencia - Osceola Campus Phase I, Bldg 1 complete (c,e)..... | 8,664,190 |
| Student Services Center W complete (e).. | 1,238,034 |
| Gen ren/rem & site improvements collegewide..... | 1,828,313 |

2001 FIXED CAPITAL OUTLAY

STATE UNIVERSITY SYSTEM PROJECTS FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND

195,636,983

The following projects in the State University System are included in the funds appropriated in Specific Appropriation 2001:

| | |
|---|------------|
| SUS - Infrastructure/Stormwater/ Utilities Improvements (p,c)..... | 7,800,000 |
| Land Acquisition (s)..... | 25,000,000 |
| Magnetic Laboratory (e)..... | 3,000,000 |
| 10th - New Southwest University (c,e)... | 19,800,000 |
| FAMU - Carnegie Library rem/expn (p)... | 385,116 |
| Utilities Imp/Central Chilled Water Plant (p,c)..... | 3,614,884 |
| Foster/Tanner Complex Remodel & Expansion (c)..... | 4,618,184 |
| General Classroom Building (c)..... | 5,000,251 |
| School of Business & Industry West Wing Addition (p)..... | 538,000 |
| FAU - Boca Raton Infrastructure (p,c)... | 4,454,000 |
| Building Repairs - Bldg #'s 10, T-13 & BC-04 (p,c)..... | 3,169,500 |
| General Classroom South Remodeling (e)..... | 550,000 |
| North Palm Beach Campus (p,c)..... | 3,500,000 |
| BWD Southeast Campus - Davie Classroom Bldg (p,c)..... | 6,000,000 |

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|--|------------|
| FIU - Chemistry/Physical Sciences Fume Hood corrections (p,c,e)..... | 500,000 |
| Hospitality Management Safety Corrections (p,c,e)..... | 500,000 |
| Owa Ehan Renovations (p,c,e)..... | 460,000 |
| Campus Support Facilities and Infrastructure (c)..... | 7,845,500 |
| FSU - Utilities Improvements (p,c)..... | 3,440,000 |
| University Center - Academic Facilities - Phase B (e)..... | 791,200 |
| University Center - Academic Facilities - Phase C (e)..... | 529,200 |
| University Center-Film Program (e)..... | 308,800 |
| Strozier Library Remodeling (e)..... | 800,300 |
| Turkey Point Channel & Dock Improvements (p,c,e)..... | 2,585,000 |
| Sandels Building Remodeling (c)..... | 3,500,000 |
| Pepper Center (c)..... | 4,266,875 |
| Business/Technology Center (p,c)..... | 436,560 |
| UCF - Utilities Improvements (p,c)..... | 4,125,500 |
| Communications Building (p)..... | 600,000 |
| UCF/Brevard CC - Cocoa Joint-Use Library (e)..... | 750,000 |
| UF - Utilities Improvements (p,c)..... | 3,564,000 |
| Engineering Building (c)..... | 15,991,000 |
| Physics Building (c)..... | 14,559,000 |
| Florida Gym Conversion to Classroom (e)..... | 600,000 |
| Equine Hospital (e)..... | 600,000 |
| IPAS N. FL Rec Fac (s,p)..... | 1,400,000 |
| UNF - Remodeling/Renovation Buildings 1,2,3,4,9,10 & 11 (p,c)..... | 1,500,000 |
| Business Building Addition (c)..... | 5,506,000 |
| Multi-Purpose Ed Facility (p,c)..... | 1,500,000 |
| USF - Tampa Utilities Improvements (p,c)..... | 2,100,000 |
| Health Sciences Research Building (e)..... | 1,632,321 |
| Sarasota Campus Infrastructure/Expansion/Renovation (c)..... | 7,023,386 |
| New Education Building (c)..... | 9,937,072 |
| Center for Urban Transportation Research (CUTR) (p,c,e)..... | 2,000,000 |
| UWF - Campus Support Facilities (e)..... | 385,763 |
| Utilities - Central Plant Chiller/Science Building (c)..... | 1,221,000 |
| Science Building Remodeling & Expansion (c)..... | 7,248,571 |

Up to \$818,000 of the funds in Specific Appropriation 2001 for the project entitled "BWD Southeast Campus - Davie Classroom Building" (p,c) for Florida Atlantic University may be used to repair Building Numbers BC-01 and BC-02 at the Commercial Boulevard site.

If funds in Specific Appropriation 2001 for land acquisition(s) are used to purchase existing facilities and sites, each such building and site

SECTION 2C

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must be certified to be free of asbestos or other hazardous building material before it may be accepted by the Board of Regents.

2002 FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 11,263,680

Funds provided in Specific Appropriation 2002 shall be allocated as follows for projects which shall comply with s. 235.196, Florida Statutes:

- Orange School Board/City of Orlando - Orlando Science Center (c,e)..... 7,200,000
Broward School Board/City of Fort Lauderdale-New World Aquarium and Broward Environmental Education Center (c,e)..... 4,063,680

2003 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 49,485,871

Funds provided in Specific Appropriation 2003 shall be allocated pursuant to s. 235.435(2), Florida Statutes, as follows:

- Wakulla County - Elementary School (p,c,e)..... \$7,838,271
Okeechobee County - Middle School (p,c,e)..... 13,878,669
Suwannee County - Suwannee High Addition, Ren/Rem (p,c,e) 8,277,783
Flagler County - New K-8 Center (p,c,e)..... 19,491,148

2004 FIXED CAPITAL OUTLAY
FULL SERVICE SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 14,500,000

Funds in Specific Appropriation 2004 shall be allocated to school districts and developmental research schools for the purpose of providing facilities for full service schools to support health clinics and other social service functions. Grants shall be awarded on a competitive basis in accordance with existing criteria developed by the Department.

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2005 FIXED CAPITAL OUTLAY
 FLORIDA SCHOOL FOR THE DEAF AND BLIND -
 CAPITAL PROJECTS
 FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
 DEBT SERVICE TRUST FUND 3,855,332

Funds provided in Specific Appropriation 2005 are for the following projects:

Campus Safety Related Projects..... \$ 350,000
 Renovations..... 1,158,000
 Capital Asset Management Projects..... 2,335,332
 Master Plan Update..... 12,000

2006 FIXED CAPITAL OUTLAY
 DIVISION OF BLIND SERVICES - CAPITAL
 PROJECTS
 FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
 DEBT SERVICE TRUST FUND 725,000

Funds provided in Specific Appropriation 2006 are for the following projects: Daytona Beach - Florida Regional Library/Rehabilitation Center - Renovations, ADA corrections, and Compact Shelving.

2007 FIXED CAPITAL OUTLAY
 JOINT-USE FACILITIES PROJECTS
 FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
 DEBT SERVICE TRUST FUND 500,000

Funds provided in Specific Appropriation 2007 shall be used for Joint-Use Facilities pursuant to s. 235.195, Florida Statutes, as follows:

Brevard Community College/University
 of Central Florida-Library (c,e).... \$500,000

2008 FIXED CAPITAL OUTLAY
 PUBLIC BROADCASTING PROJECTS
 FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
 DEBT SERVICE TRUST FUND 6,025,500

Funds provided in Specific Appropriation 2008 shall be used as follows:

WJCT-TV/Jacksonville (e)..... \$ 985,000
 WSFP-TV/FM - Ft. Myers (c)..... 4,653,000
 WCEU-TV/Daytona Beach (p)..... 387,500

2008A FIXED CAPITAL OUTLAY
 SCIENCE AND TECHNOLOGY EDUCATION
 LABORATORIES
 FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
 DEBT SERVICE TRUST FUND 10,000,000

Funds provided in Specific Appropriation 2008A shall

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be expended to upgrade, expand, remodel or renovate science and technology education laboratories in senior high schools, middle, and junior high schools. Funds from this appropriation are not to be spent on equipment. Funds will be granted on a competitive basis in accordance with criteria developed by the department.

2008B FIXED CAPITAL OUTLAY
RETROFIT FOR TECHNOLOGY
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 27,000,000

Funds in Specific Appropriation 2008B shall be allocated to school districts and developmental research schools to renovate existing facilities to accommodate emerging education technology. Grants shall be awarded on a competitive basis in accordance with criteria developed by the Department.

2009 FIXED CAPITAL OUTLAY
FIRE SAFETY AND AMERICANS WITH
DISABILITIES ACT (ADA) REQUIRED
CORRECTIONS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 22,000,000

Funds in Specific Appropriation 2009 shall be allocated among the public schools, developmental research schools, community colleges and the state university system according to the sum-of-digits formula set forth in s.235.435(1), Florida Statutes. These funds may be expended for capital projects to accomplish fire safety corrections, and corrections necessary to meet the requirements of the Americans with Disabilities Act (ADA).

2010 FIXED CAPITAL OUTLAY
LONG DISTANCE LEARNING SATELLITE
TRANSPONDER
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 12,750,000

Funds in Specific Appropriation 2010 shall be used to purchase a satellite transponder on Telstar 401 and required encoders. The Department of Education, Office of Telecommunications, shall identify the amounts of operating costs funded by the State of Florida for all state agencies and public broadcasting stations which will be reduced or eliminated by the purchase of this transponder and associated encoders. The costs savings identified by the department shall be placed in reserve by the Executive Office of the Governor.

Until such time as this transponder is fully

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utilized for state educational activities, all rental fees received shall be deposited in the Public Education Capital Outlay and Debt Service (PECO) Trust Fund to offset the cost of acquisition. The Office of Telecommunications shall aggressively market the use of the satellite and shall insure maximum utilization. All state agencies which need to use satellite communication shall use this transponder if program time is available. Fees generated from such use shall also be deposited in the PECO Trust Fund.

The Office of Telecommunications shall serve as the coordinator for all programming. The office shall report quarterly to the Governor, the Speaker of the House of Representatives and the President of the Senate on: total usage; usage by state or local educational agencies; usage by state non-educational agencies; usage by non-Florida agencies; the amount of unused time; cost savings to the state; and funds generated to offset the cost of acquisition.

2012A FIXED CAPITAL OUTLAY

JUVENILE EDUCATION RESIDENTIAL FACILITIES FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND

30,000,000

Funds in Specific Appropriation 2012A shall be used to fully fund the acquisition, renovation and/or construction of juvenile education residential facilities as provided in CS/SBs 68 and 2012. The funds are to be distributed to the Alternative Education Institute as established in CS/SBs 68 and 2012 and shall be used to fund the total costs to plan, construct, acquire and/or equip new facilities and/or renovate existing facilities to be operated by contract providers as specified in CS/SBs 68 and 2012. Funds may be awarded by the Institute to public agencies and governmental entities for renovations to public facilities to be used as juvenile education residential facilities. The facilities shall be constructed or renovated according to the Uniform Building Code FAC 6A-2 and in consultation with the contract provider of education services.

TOTAL OF SECTION 2C

FROM TRUST FUNDS TOTAL ALL FUNDS

981,521,647 981,521,647

SECTION 2D

SPECIFIC APPROPRIATION

SECTION 2D - PUBLIC FACILITIES BONDING PROGRAM

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for fixed capital outlay.

MANAGEMENT SERVICES, DEPARTMENT OF FACILITIES MANAGEMENT, DIVISION OF

| | | |
|------|--|------------|
| 2013 | FIXED CAPITAL OUTLAY SATELLITE OFFICE COMPLEX - BUILDING 2A FROM PUBLIC FACILITIES FINANCING TRUST FUND | 14,147,928 |
|------|--|------------|

Funds provided in Specific Appropriations 2013 shall be used to construct the Satellite Office Complex Building 2A which shall be named the Hurley W. Rudd Building.

| | | |
|------|---|-----------|
| 2014 | FIXED CAPITAL OUTLAY REGIONAL SERVICE CENTER - OPA LOCKA FROM PUBLIC FACILITIES FINANCING TRUST FUND | 8,886,815 |
|------|---|-----------|

Funds in Specific Appropriation 2014 are contingent upon the City of Opa-Locka's donation of property suitable for the construction of a regional service center in North Dade County.

| | | |
|------|---|-----------|
| 2015 | FIXED CAPITAL OUTLAY INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY FROM FLORIDA FACILITIES POOL WORKING CAPITAL TRUST FUND | 3,244,155 |
| | FROM GRANTS AND DONATIONS TRUST FUND | 500,000 |

| | | |
|------|---|-----------|
| 2016 | FIXED CAPITAL OUTLAY OFFICE BUILDING (NUMBER ONE) LEON COUNTY FROM GENERAL REVENUE FUND | 3,222,157 |
| | FROM PUBLIC FACILITIES FINANCING TRUST FUND | 2,917,642 |

| | | |
|------------------|---|--------------------|
| 2016A | FIXED CAPITAL OUTLAY WEST PALM BEACH REGIONAL SERVICE CENTER FROM SUPERVISION TRUST FUND | 292,546 |
|------------------|---|--------------------|

| | | |
|-------|--|---------|
| 2016B | FIXED CAPITAL OUTLAY ORLANDO NAVAL TRAINING CENTER - PROGRAMMING AND DESIGN FEES FROM SUPERVISION TRUST FUND | 241,000 |
|-------|--|---------|

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|-------------------------------------|------------|
| TOTAL OF SECTION 2D | |
| FROM GENERAL REVENUE FUND | 3,222,157 |
| FROM TRUST FUNDS | 30,230,086 |
| TOTAL ALL FUNDS | 33,452,243 |

SECTION 2E - ENERGY GRANTS

The moneys appropriated from the named funds to the Energy Office in the Department of Community Affairs, are for the expenditure on energy conservation programs and fixed capital outlay projects in cooperation with various state agencies, local governments and private sector individuals and organizations.

COMMUNITY AFFAIRS, DEPARTMENT OF

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

| | | |
|-------|---|------------|
| 2016C | FIXED CAPITAL OUTLAY INSTITUTIONAL ENERGY CONSERVATION PROJECTS FROM ECONOMIC OPPORTUNITY TRUST FUND . . . | 5,000,000 |
| 2016D | FIXED CAPITAL OUTLAY GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS FROM ECONOMIC OPPORTUNITY TRUST FUND . . . | 18,100,000 |

From funds in Specific Appropriation 2016D, \$7,000,000 shall be used for energy projects and program initiatives in the areas of energy-related defense industry conversions, building efficiencies and codes, education and public awareness, policy development, energy extension services and data collection and analysis. \$1,100,000 shall be used to support a pilot project by the Northeast Florida Educational Consortium to assist the Baker, Bradford, Columbia, Dixie, Flagler, Gilchrist, Lafayette, Levy, Nassau, Putnam, and Union County District School Boards in increasing energy education and efficiency in public schools and \$10,000,000 shall be used to stimulate the development of Florida as a center for solar energy and alternative fuel use and industries. Of the \$10,000,000, \$5,000,000 shall be used to implement recommendations of the solar barriers study prepared pursuant to section 377.703, Florida Statutes, including consideration of applications of solar energy technology to assist residents of low-income

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housing, and \$5,000,000 shall be used for qualified initiatives that will increase the use of alternative fuels to lessen the state's dependence on imported transportation fuels and improve metropolitan air quality. The appropriation for alternative transportation fuels may be granted or loaned in whole or in part to support an interlocal governmental loan program for the benefit of qualifying counties and municipalities wishing to maximize the use of alternative fuel vehicles. Such a program may take the form of an interlocal governmental pool created by interlocal agreement pursuant to Part I of Chapter 163, Florida Statutes, selected by the secretary upon presentation of an acceptable financing program for maximizing the benefits of such support. A financing program shall provide for the use of funds for one or more of the following purposes: acquisition of or conversion of existing fleets to alternative fuel vehicles; acquisition or construction of alternative transportation fuel infrastructure; establishment of reserve funds to secure the issuance by such interlocal governmental pool of notes, bonds and other obligations the proceeds of which are to be used to make loans, grants and/or subsidies, payment of the costs of issuance of such obligations, and for other similar purposes that will enhance and leverage the benefits to cities and counties of the financing program. Members of the interlocal pool may enter into contracts or arrangements described in Section 159.825(6), Florida Statutes, for the benefit of its financing programs.

TOTAL OF SECTION 2E

| | |
|----------------------------|------------|
| FROM TRUST FUNDS | 23,100,000 |
| TOTAL ALL FUNDS | 23,100,000 |

SECTION 2F - DEPARTMENT OF TRANSPORTATION WORK PROGRAM

The moneys contained herein are appropriated from the named funds to the Department of Transportation to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.155, F.S.

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 2021 through 2064 are appropriated from the named funds to the department to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and

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SPECIFIC APPROPRIATION

339.155, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

FINANCE AND ADMINISTRATION

| | | |
|-------|---|------------|
| 2021 | FIXED CAPITAL OUTLAY BOND GUARANTEE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 450,000 |
| 2021A | FIXED CAPITAL OUTLAY GRANTS AND AIDS - TAMPA/HILLSBOROUGH COUNTY EXPRESSWAY AUTHORITY FROM TOLL FACILITIES REVOLVING TRUST FUND | 2,700,000 |
| 2022 | FIXED CAPITAL OUTLAY GRANTS AND AIDS - TRANSPORTATION DISADVANTAGED FROM TRANSPORTATION DISADVANTAGED TRUST FUND | 14,086,000 |
| 2022A | FIXED CAPITAL OUTLAY PRELIMINARY ENGINEERING CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 500,000 |

PLANNING AND ENGINEERING

| | | |
|------|--|------------|
| 2023 | FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 4,266,000 |
| 2024 | FIXED CAPITAL OUTLAY ARTERIAL HIGHWAY CONSTRUCTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 4,096,800 |
| 2025 | FIXED CAPITAL OUTLAY CONSTRUCTION INSPECTION CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 500,000 |
| 2026 | FIXED CAPITAL OUTLAY AVIATION DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 2,250,000 |
| 2027 | FIXED CAPITAL OUTLAY PURCHASE OF RAILROAD RIGHT-OF-WAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 40,000,000 |

Funds in Specific Appropriation 2027 may be increased pursuant to ss. 339.135, Florida Statutes

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for the purpose of making additional payments for the purchase of the Southeast Florida Rail Corridor.

| | | |
|---------------------|--|---|
| 2028 | FIXED CAPITAL OUTLAY PUBLIC TRANSIT DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 1,739,516 |
| 2029 | FIXED CAPITAL OUTLAY RIGHT-OF-WAY LAND ACQUISITION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 1,594,960 |
| 2030 | FIXED CAPITAL OUTLAY INTERMODAL/RAIL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 4,850,800 |
| 2031 | FIXED CAPITAL OUTLAY HIGHWAY SAFETY CONSTRUCTION/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 6,500,000 |
| 2032 | FIXED CAPITAL OUTLAY PRELIMINARY ENGINEERING CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 600,000 |
| 2034 | FIXED CAPITAL OUTLAY MATERIALS AND RESEARCH FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 5,529,250 |
| TURNPIKE OPERATIONS | | |
| 2035 | FIXED CAPITAL OUTLAY TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 11,849,486 |
| 2036 | FIXED CAPITAL OUTLAY INTRASTATE HIGHWAY CONSTRUCTION FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND FROM TURNPIKE CONTROLLED ACCESS TRUST FUND FROM TURNPIKE BOND CONSTRUCTION TRUST FUND | 1,857,848 45,482,133 29,463,008 29,715,746 |
| 2037 | FIXED CAPITAL OUTLAY CONSTRUCTION INSPECTION CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND | 3,569,275 14,276,779 |

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| | | |
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| | FROM TURNPIKE CONTROLLED ACCESS TRUST FUND | 2,048,669 |
| | FROM TURNPIKE BOND CONSTRUCTION TRUST FUND | 8,939,656 |
| 2038 | FIXED CAPITAL OUTLAY RIGHT-OF-WAY LAND ACQUISITION FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE CONTROLLED ACCESS TRUST FUND | 34,101,873 462,902 |
| | FROM TURNPIKE BOND CONSTRUCTION TRUST FUND | 38,068,732 |
| 2039 | FIXED CAPITAL OUTLAY RESURFACING FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND | 11,657,668 |
| 2040 | FIXED CAPITAL OUTLAY BRIDGE CONSTRUCTION FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND | 2,539,400 |
| 2041 | FIXED CAPITAL OUTLAY PRELIMINARY ENGINEERING CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND | 603,000 |
| | FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE CONTROLLED ACCESS TRUST FUND | 30,314,088 7,694,000 |
| | FROM TURNPIKE BOND CONSTRUCTION TRUST FUND | 471,225 |
| 2042 | FIXED CAPITAL OUTLAY RIGHT-OF-WAY SUPPORT FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE BOND CONSTRUCTION TRUST FUND | 16,430,406 2,415,722 |
| 2042A | FIXED CAPITAL OUTLAY BRIDGE INSPECTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 300,000 |
| 2043 | FIXED CAPITAL OUTLAY TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE CONTROLLED ACCESS TRUST FUND | 938,000 5,568,254 |
| | FROM TURNPIKE BOND CONSTRUCTION TRUST FUND | 3,017,343 |

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DISTRICT PLANNING AND PUBLIC TRANSIT

| | | |
|------|--|------------|
| 2044 | FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 9,492,000 |
| 2045 | FIXED CAPITAL OUTLAY AVIATION DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 75,099,962 |

From funds provided in Specific Appropriation 2045, the department is authorized to loan up to \$2.2 million to the City of Ocala for construction of a regional aircraft rescue and fire fighting training facility. Such funds shall not be loaned unless sufficient funds are available in the departments work program and the department has sufficient assurance from the Federal Aviation Administration (FAA) that federal funding will be available to reimburse the state no later than Fiscal Year 1996-97.

| | | |
|------|---|------------|
| 2046 | FIXED CAPITAL OUTLAY PUBLIC TRANSIT DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 83,644,723 |
| 2047 | FIXED CAPITAL OUTLAY INTERMODAL/RAIL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 71,941,179 |
| 2048 | FIXED CAPITAL OUTLAY SEAPORT GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 10,000,000 |

From funds in Specific Appropriation 2048, the Department of Transportation is authorized to fund a study of possible areas of cooperation between the ports of Tampa, St. Petersburg, and Manatee, provided the cost of the study does not exceed \$100,000.

| | | |
|------|---|------------|
| 2049 | FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 10,135,000 |
|------|---|------------|

SECTION 2F

SPECIFIC APPROPRIATION

DISTRICT OPERATIONS

| | | |
|--|---|---------------------------|
| 2050 | FIXED CAPITAL OUTLAY TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 88,735,862 |
| 2051 | FIXED CAPITAL OUTLAY INTRASTATE HIGHWAY CONSTRUCTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 196,553,489 |
| 2052 | FIXED CAPITAL OUTLAY ARTERIAL HIGHWAY CONSTRUCTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 359,118,904 |
| <p>Specific Appropriation 2052 shall provide that in the event a Congressional authorization or appropriation is received for U.S. 192 road widening in Brevard and Osceola Counties, the department may process a work program amendment and budget amendment pursuant to Chapter 339, Florida Statutes, and is authorized to provide up to twenty percent matching funds for the authorized or appropriated federal funds.</p> | | |
| 2053 | FIXED CAPITAL OUTLAY CONSTRUCTION INSPECTION CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 92,104,996 |
| 2054 | FIXED CAPITAL OUTLAY RIGHT-OF-WAY LAND ACQUISITION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND | 186,500,647 60,892,800 |
| 2055 | FIXED CAPITAL OUTLAY HIGHWAY SAFETY CONSTRUCTION/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 18,305,452 |
| 2056 | FIXED CAPITAL OUTLAY RESURFACING FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 283,520,556 |
| 2057 | FIXED CAPITAL OUTLAY BRIDGE CONSTRUCTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND | 223,176,522 |

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2058 FIXED CAPITAL OUTLAY
 PRELIMINARY ENGINEERING CONSULTANTS
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 193,889,102

2059 FIXED CAPITAL OUTLAY
 HIGHWAY BEAUTIFICATION GRANTS
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 1,500,000

Funds in Specific Appropriation 2059 require an equal match from non-state funds by the program participants and the grant program shall be administered by the Florida Highway Beautification Council in accordance with s. 339.2405, Florida Statutes.

2060 FIXED CAPITAL OUTLAY
 RIGHT-OF-WAY SUPPORT
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 56,823,326
 FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
 CONSTRUCTION TRUST FUND 3,150,000

2061 FIXED CAPITAL OUTLAY
 TRANSFER TO DEPARTMENT OF COMMERCE FOR
 ECONOMIC DEVELOPMENT TRANSPORTATION
 PROJECTS
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 10,000,000

Funds in Specific Appropriation 2061 shall be transferred to the Department of Commerce on a quarterly basis at the beginning of each quarter during the fiscal year.

2062 FIXED CAPITAL OUTLAY
 BRIDGE INSPECTION
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 14,823,252

2063 FIXED CAPITAL OUTLAY
 TRAFFIC ENGINEERING CONSULTANTS
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 780,000

2064 FIXED CAPITAL OUTLAY
 LOCAL GOVERNMENT REIMBURSEMENT
 FROM STATE TRANSPORTATION (PRIMARY)
 TRUST FUND 10,156,278

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| | |
|----------------------------|--------------|
| TOTAL OF SECTION 2F | |
| FROM TRUST FUNDS | 2451,792,589 |
| TOTAL ALL FUNDS | 2451,792,589 |

SECTION 2G - GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for capital outlay grants to local units of government and non-profit organizations.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

MARKETING AND DEVELOPMENT, DIVISION OF

| | | |
|-------|---|---------|
| 2064A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS | |
| | GRANTS AND AIDS - CONSTRUCTION/RENOVATION - JACKSON COUNTY AGRICULTURE CENTER | |
| | FROM GENERAL REVENUE FUND | 400,000 |

Funds in Specific Appropriation 2064A are provided to match local funds on a 50/50 basis.

| | | |
|-------|--|---------|
| 2064B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS | |
| | GRANTS AND AIDS - CONSTRUCTION/RENOVATION/PAVING - WAKULLA COUNTY LIVESTOCK PAVILION | |
| | FROM GENERAL REVENUE FUND | 430,000 |

| | | |
|-------|--|---------|
| 2064C | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS | |
| | EXPANSION/RENOVATION/CONSTRUCTION WASHINGTON COUNTY AGRICULTURE CENTER | |
| | FROM GENERAL REVENUE FUND | 100,000 |

FORESTRY, DIVISION OF

| | | |
|-------|--|---------|
| 2064D | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS | |
| | GRANTS AND AIDS - FIRETOWER ROAD FOR FUTURE FARMERS OF AMERICA | |
| | FROM GENERAL REVENUE FUND | 750,000 |

From the funds provided in Specific Appropriation 2064D, \$350,000 shall be advanced, with the

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remaining \$400,000 provided on a 50/50 match basis.

COMMERCE, DEPARTMENT OF

ECONOMIC DEVELOPMENT, DIVISION OF

- 2065 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
 - GRANTS AND AIDS - ENTERPRISE FLORIDA TECHNOLOGY
 - FROM GENERAL REVENUE FUND 2,500,000

From funds in Specific Appropriation 2065, Enterprise Florida shall grant, as a part of their activities related to Innovation Partnerships, \$300,000 to the Center for Health Technologies established in section 381.0404, Florida Statutes, to support incubator programs.

From funds provided in Specific Appropriation 2065, \$250,000 from the General Revenue Fund is provided to fund the operations of the Florida Export Finance Corporation during Fiscal Year 1994-95.

- 2066 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
 - GRANTS AND AIDS - ENTERPRISE FLORIDA PROGRAM/CAPITAL FORMATION
 - FROM GENERAL REVENUE FUND 520,000

- 2067 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
 - GRANTS AND AIDS - QUICK RESPONSE TRAINING
 - FROM GENERAL REVENUE FUND 2,700,000

Contingent upon SB 1018 or similar legislation becoming law, funds from Specific Appropriation 2067 may be used in conjunction with funding from other sources for the purpose of job training to meet the needs of new, emerging and expanding industries. The combined funds will be earned by the school districts and community colleges under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, Florida Statutes) as well as occupations associated with new, emerging and expanding industries. Up to \$2 million of the Quick Response funds may be used in this performance based funding project.

- 2068 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
 - GRANTS AND AIDS - ENTERPRISE FLORIDA/TECHNOLOGY REINVESTMENT
 - FROM GENERAL REVENUE FUND 4,100,000

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2068A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
 NONPROFIT ORGANIZATIONS
 SUPER BOWL HOST COMMITTEE
 FROM GENERAL REVENUE FUND 250,000

2068B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
 NONPROFIT ORGANIZATIONS
 BASE REALIGNMENT AND CLOSURE PROGRAM
 FROM GENERAL REVENUE FUND 1,300,000

From funds in Specific Appropriation 2068B, \$92,000 may be used by the Department of Commerce for costs associated with the activities of the Florida Defense Conversion and Transition Commission.

Funds provided in Specific Appropriation 2068B are to be used for grants to assist communities in collecting base closure data; obtain expert analysis; evaluate a base's military strategic value, vulnerabilities, and potential; and provide input into the Pentagon review process. Such grants shall be provided on a dollar-for-dollar basis with a cap of \$100,000 per grantee, and shall be administered through the Department of Commerce. In the event all eligible communities, as determined by the Department of Commerce, have been awarded grants, and funds remain unencumbered, additional grant moneys may be provided, on a dollar-for-dollar basis, to those communities desiring such funding, up to a total of \$250,000, which includes the initial \$100,000.

2069 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
 NONPROFIT ORGANIZATIONS
 NONRECURRING HURRICANE ANDREW IMPACTS -
 1994-95
 FROM HURRICANE ANDREW RECOVERY AND
 REBUILDING TRUST FUND 10,956,338

Funds in Specific Appropriation 2069 are for the following economic and community development, and job training programs which are directly associated with relief, recovery or rebuilding resulting from Hurricane Andrew:

| | |
|---|--------------------|
| Beacon Council..... | 1,500,000 |
| Partners for Progress..... | 900,000 |
| South Dade Marketing Program..... | 900,000 |
| Revolving Loan Fund..... | 1,048,500 |
| CAMACOL..... | 406,710 |
| Centro Campesino Farm Workers Center... | 150,000 |
| Metro-Dade County Eco Dev (Moss Plan).. | 850,000 |
| Cure Aids Now..... | 157,500 |
| Florida Housing Co-Op..... | 270,000 |
| Four H/Ag Research Center..... | 29,700 |
| Garcés Commercial College..... | 112,500 |

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|---|---------|
| Haitian American Foundation..... | 25,000 |
| Hialeah Chamber & Industry..... | 150,000 |
| Hialeah-Dade Development Authority..... | 225,000 |
| Hispanic American Builders Association..... | 230,400 |
| JESCA..... | 270,000 |
| Little Havana Development Authority.... | 180,000 |
| Miami-Dade Chamber..... | 200,000 |
| MMap..... | 300,000 |
| One Stop Center..... | 100,000 |
| Perrine-Cutler Ridge Council..... | 450,000 |
| Saber, Inc..... | 288,000 |
| Ser-Jobs for Progress..... | 360,000 |
| Tools for Change..... | 450,000 |
| Urban League of Greater Miami..... | 400,000 |
| W. Perrine Community Development..... | 675,000 |
| Youth Co-Op..... | 328,028 |

In order to receive the appropriation, each program must demonstrate that: the use of the funds is for purposes directly associated with relief, recovery or rebuilding resulting from Hurricane Andrew; the appropriation, after being adjusted for the administrative costs of the Department of Commerce, will primarily be used to provide services to the public and not for administrative costs; the appropriation, after being adjusted for the administrative costs of the Department of Commerce, will be of a sufficient amount to provide an acceptable level of service to the public; and oversight of the expenditures has been accommodated by meeting the requirements of s. 216.349, Florida Statutes.

The Department of Commerce, shall be responsible for releasing and monitoring these appropriations. The department shall only release funds to each program upon a determination that the above restrictions have been met.

The department, in consultation with the Office of Planning and Budgeting of the Executive Office of the Governor, shall develop a procedure for release and monitoring of the appropriations, to include at a minimum: an application process; a set of uniform criteria to determine if a program is directly associated with relief, recovery or rebuilding resulting from Hurricane Andrew; criteria for determining if the level of funding is sufficient to provide an acceptable level of service to the public; and an acceptable ratio of administrative costs to service delivery costs.

The Department of Commerce is authorized to use up to 1% of each program's appropriation for the cost of administering Specific Appropriation 2069.

Any funds not allowed to be released by the

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department shall be placed in reserve by the Executive Office of the Governor and shall revert to the Hurricane Andrew Recovery and Rebuilding Trust Fund.

| | | |
|-------|--|------------|
| 2069A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS DEFENSE REINVESTMENT INCENTIVE PROGRAM FROM GENERAL REVENUE FUND | 3,000,000 |
| 2069B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - WORLD CUP SOCCER FROM GENERAL REVENUE FUND | 250,000 |
| 2069C | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - HEMISPHERIC SUMMIT FROM TOURISM PROMOTION TRUST FUND | 2,000,000 |
| 2070 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND | 10,000,000 |

From funds in Specific Appropriation 2070 up to \$377,936 shall be used to reimburse Escambia County for 1992-93 costs previously incurred and not reimbursed to give Florida a competitive advantage in its attempt to convince the United States Defense Department to locate a Defense Finance and Accounting Service Center in the state.

From funds provided in Specific Appropriation 2070, the Department of Commerce shall use \$300,000 for a grant to the Spaceport Florida Authority to implement the provisions of Sections 331.301-331.355, Florida Statutes.

From funds provided in Specific Appropriation 2070, \$200,000 shall be made available to fund a defense and aerospace diversification project involving minority owned businesses, defined to include women-owned businesses, for which the Small Business Administration is a participating entity, and which project would be located in a labor surplus area as defined by the federal regulation.

| | | |
|-------|---|------------|
| 2070A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - PERFORMANCE BASED INCENTIVE PROGRAM FROM GRANTS AND DONATIONS TRUST FUND | 31,580,000 |
|-------|---|------------|

Contingent upon SB 1018 or similar legislation

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becoming law, up to \$31.58 million will be transferred into this fund from Specific Appropriation 2067 (\$2 million), Specific Appropriation 513 (\$1 million), Specific Appropriation 540 (\$3.58 million), Specific Appropriation 563 (\$2 million), Specific Appropriation 892 (\$6 million), and Specific Appropriation 1792 (\$17 million) for the purpose of establishing a Performance Based Incentive Fund. These funds will be earned by the school districts and community colleges under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, Florida Statutes).

COMMUNITY AFFAIRS, DEPARTMENT OF

EMERGENCY MANAGEMENT, DIVISION OF

2071 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
 NONRECURRING HURRICANE ANDREW IMPACTS -
 1994-95
 FROM HURRICANE ANDREW RECOVERY AND
 REBUILDING TRUST FUND

22,555,279

Funds in Specific Appropriation 2071 are for the following operating and capital costs of local governments and nonprofit organizations which are directly associated with the relief, recovery or rebuilding resulting from Hurricane Andrew:

| | |
|---|--------------------|
| Association for Retarded Citizens..... | 90,000 |
| Best Buddies DS Camp..... | 75,000 |
| Community Health Center-MLK Clinic..... | 400,000 |
| Coral Gables, City of..... | 150,000 |
| Dade County Public Schools-Aviation.... | 1,000,000 |
| Dade PIC..... | 100,000 |
| Daily Bread Food Bank..... | 100,000 |
| Douglas Gardens Com Mental Hlth Ctr.... | 90,000 |
| Epilepsy Foundation..... | 196,000 |
| Fairchild Tropical Garden..... | 150,000 |
| Farm Share..... | 750,000 |
| Florida International University..... | 1,000,000 |
| Florida Minority Purchasing Council.... | 200,000 |
| Gold Coast Railroad Museum..... | 100,000 |
| Haitian Organization of Women..... | 100,000 |
| Hialeah, City of | 626,419 |
| Homestead Center for the Arts..... | 400,000 |
| Humane Society..... | 800,000 |
| Little Havana Activity & Nutrition Ctr.. | 150,000 |
| Metro Dade County..... | 4,500,000 |
| Metro Dade County Beach Renourishment.. | 2,500,000 |
| Miami-Dade Community College Environmental Center-Kendall..... | 1,100,000 |

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|--|--------------------|
| Toddler Center-Homestead..... | 212,000 |
| Business Incubator-Homestead..... | 212,000 |
| Miami, City of..... | 90,360 |
| Miami Mental Health Center..... | 1,000,000 |
| Northwest Dade Mental Health Center.... | 200,000 |
| Richmond/Perrine Optimist Center Gym... | 1,000,000 |
| Palm Beach, County of..... | 400,000 |
| Redlands Conservancy..... | 80,000 |
| Small Cities Assistance | |
| Sweetwater, City of..... | 150,000 |
| West Miami, City of..... | 100,000 |
| North Bay Village, City of..... | 100,000 |
| Hialeah Gardens, City of..... | 80,000 |
| Surfside, City of..... | 100,000 |
| Miami Beach, City of..... | 428,500 |
| Key Biscayne, City of..... | 250,000 |
| Bay Harbour, City of..... | 100,000 |
| Miami Springs, City of..... | 80,000 |
| Virginia Gardens, City of..... | 50,000 |
| South FL Urban Search & Rescue..... | 500,000 |
| Southwest Social Services..... | 75,000 |
| University of Miami School of Comm..... | 270,000 |
| Zoological Society of Florida..... | 2,500,000 |

In order to receive the appropriation, each program must demonstrate that: the use of the funds is for purposes directly associated with relief, recovery or rebuilding resulting from Hurricane Andrew; funds for capital projects are limited to repairs and renovations to existing facilities or for replacement of facilities damaged by Hurricane Andrew; and oversight of the expenditures has been accommodated by meeting the requirements of s. 216.349, Florida Statutes.

The Department of Community Affairs, shall be responsible for releasing and monitoring these appropriations. The department shall only release funds to each program upon a determination that the above restrictions have been met.

The department, in consultation with the Department of Commerce and the Office of Planning and Budgeting of the Executive Office of the Governor, shall develop a procedure for release and monitoring of the appropriations, to include at a minimum: an application process; a set of uniform criteria to determine if a program is directly associated with relief, recovery or rebuilding resulting from Hurricane Andrew; a certification that capital projects are limited to repairs, renovations or replacement of facilities damaged by Hurricane Andrew; and an acceptable ratio of administrative costs to service delivery costs.

The Department of Community Affairs is authorized to use up to 1% of each program's appropriation for its

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cost of administering Specific Appropriation 2071.

Any funds not allowed to be released by the department shall be placed in reserve by the Executive Office of the Governor and shall revert to the Hurricane Andrew Recovery and Rebuilding Trust Fund.

Funds released from Specific Appropriation 2071 to the Zoological Society for facility improvements at the Metrozoo are contingent upon execution of an interlocal agreement between the County and the Zoological Society stipulating the items and conditions for use of the funds.

Funds released from Specific Appropriation 2071 to Metropolitan Dade County for beach renourishment is for the local and state match required by the federal matching program. Of these funds, the first matching funds provided shall be for the Dade County government share of the non-federal matching requirement.

2071A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NONRECURRING HURRICANE ANDREW IMPACTS -
REVENUE LOSS 1994-95
FROM HURRICANE ANDREW RECOVERY AND
REBUILDING TRUST FUND

34,888,080

Funds in Specific Appropriation 2071A are to reimburse the following local governments and organizations for revenue losses which directly resulted from Hurricane Andrew:

| | |
|-----------------------------------|------------|
| Everglades City | 100,000 |
| Coral Gables, City of..... | 572,123 |
| Florida City, City of..... | 2,800,000 |
| Homestead Hospital..... | 900,000 |
| Homestead, City of..... | 8,900,000 |
| Metro Dade County..... | 16,710,957 |
| Miami-Dade Community College..... | 405,000 |
| Miami, City of..... | 4,500,000 |

In order to receive the appropriation, each government and organization must demonstrate that the loss of revenue directly resulted from Hurricane Andrew.

The Department of Community Affairs, shall be responsible for releasing and monitoring these appropriations. The department shall only release funds to each program upon a determination that the above restrictions have been met.

The department, in consultation with the Department of Commerce and the Office of Planning and Budgeting

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of the Executive Office of the Governor, shall develop a procedure for release and monitoring of the appropriations, to include at a minimum: an application process; a set of uniform criteria to determine if a program is directly associated with relief, recovery or rebuilding resulting from Hurricane Andrew or if a revenue loss directly resulted from Hurricane Andrew; and an acceptable ratio of administrative costs to service delivery costs.

Any funds not allowed to be released by the department shall be placed in reserve by the Executive Office of the Governor and shall revert to the Hurricane Andrew Recovery and Rebuilding Trust Fund.

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

| | | |
|------|---|-----------|
| 2072 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - WEATHERIZATION ASSISTANCE PROGRAM FROM ECONOMIC OPPORTUNITY TRUST FUND . . . | 3,765,907 |
| 2073 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - FLORIDAFIX PROGRAM FROM ECONOMIC OPPORTUNITY TRUST FUND . . . | 1,899,267 |

From funds in Specific Appropriation 2073, the Department of Community Affairs, in consultation with the Department of Health and Rehabilitative Services, shall assure that functionally impaired elderly persons, as defined in s. 410.023(4), Florida Statutes, who are at greatest risk of institutionalization, shall have priority in the expenditure of funds under the Florida Fix Program.

| | | |
|------|--|-----------|
| 2074 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TRANSFER TO ECONOMIC OPPORTUNITY TRUST FUND FROM STATE HOUSING TRUST FUND | 2,000,000 |
| 2075 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR FROM ECONOMIC OPPORTUNITY TRUST FUND . . . | 1,975,000 |

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HOUSING FINANCE AGENCY

| | | |
|-------|--|----------------------|
| 2075A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - HURRICANE ANDREW HOUSING RELIEF FROM HOME PARTNERSHIP TRUST FUND | 33,236,000 |
| 2076 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - HOUSING PREDEVELOPMENT ASSISTANCE FROM STATE HOUSING TRUST FUND FROM HOUSING PREDEVELOPMENT TRUST FUND | 500,000 1,500,000 |

In the event the full amount of \$2 million in Specific Appropriation 2076 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be used for the SAIL Program.

| | | |
|------|---|------------------------|
| 2077 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM DISTRIBUTION TO LOCAL GOVERNMENTS FROM LOCAL GOVERNMENT HOUSING TRUST FUND | 26,500,000 |
| 2078 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - HOME OWNERSHIP ASSISTANCE PROGRAM FROM STATE HOUSING TRUST FUND FROM FLORIDA HOMEOWNERSHIP ASSISTANCE TRUST FUND | 3,000,000 1,000,000 |

In the event the full amount of \$4 million in Specific Appropriation 2078 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be used for the SAIL Program.

| | | |
|------|--|-----------|
| 2079 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - HOME PROGRAM MATCHING FUNDS FROM STATE HOUSING TRUST FUND | 2,000,000 |
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In the event the full amount of \$2 million in Specific Appropriation 2079 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be used for the SAIL Program.

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SPECIFIC APPROPRIATION

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| 2080 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - STATE APARTMENT INCENTIVE LOAN PROGRAM | |
| | FROM STATE HOUSING TRUST FUND | 15,200,000 |
| | FROM STATE APARTMENT INCENTIVE LOAN TRUST FUND | 4,000,000 |

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

| | | |
|------|---|------------|
| 2081 | FIXED CAPITAL OUTLAY AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION FROM FLORIDA PRESERVATION 2000 TRUST FUND | 90,000,000 |
| | FROM WATER MANAGEMENT LANDS TRUST FUND | 80,000,000 |
| 2082 | FIXED CAPITAL OUTLAY SURFACE WATER IMPROVEMENT PROJECT FROM SURFACE WATER IMPROVEMENT AND MANAGEMENT TRUST FUND | 16,500,000 |

Funds in Specific Appropriation 2082 shall be disbursed in a manner that is consistent with the Surface Water Improvement and Management Act of 1987. Funds shall be expended based on the priority lists established pursuant to s. 373.453, Florida Statutes, and shall be distributed to the water management districts on the following basis: 50% of the appropriation to be divided equally among the five water management districts providing \$1,650,000 to each. The remaining 50% shall be distributed to the water management districts based upon determinations made by the department.

From funds in Specific Appropriation 2082, \$500,000 is provided for the Water Management District Review Commission, contingent upon the adoption of legislation creating such a commission.

From funds provided in Specific Appropriation 2082 for the St. Johns Water Management District, the district shall conduct an Oklawaha River Water Allocation Study, to be submitted to the Legislature on or before June 30, 1995. Said study shall recommend water use allocations between human consumptive needs and natural systems needs. All natural systems restoration projects within the Oklawaha Basin shall require a consumptive use permit to be issued by the St. Johns River Water Management District. No additional restoration projects shall be undertaken until completion of the aforementioned study.

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|-------|---|------------|
| 2083 | FIXED CAPITAL OUTLAY SOLID WASTE MANAGEMENT FROM SOLID WASTE MANAGEMENT TRUST FUND . . | 35,000,000 |
| 2083A | FIXED CAPITAL OUTLAY SUPPLEMENTAL GRANTS TO COUNTIES FROM ADVANCE DISPOSAL FEES FROM SOLID WASTE MANAGEMENT TRUST FUND . . | 15,180,000 |

From funds provided in Specific Appropriation 2083A \$13,662,000 shall be used to provide matching grants to counties with a population of 50,000 or less for labor and construction costs relating to the closure of public landfills in accordance with the regulations of the Department of Environmental Protection. Local matching requirements for such grants shall be calculated at a per capita rate of \$22 for participating counties. The department is authorized to develop rules in accordance with the provisions of Chapter 120 to implement this program. By October 1, 1994, the department shall submit a report to the President of the Senate and Speaker of the House which identifies total funding requirements relating to the closure of county landfills and shall make recommendations concerning the appropriateness of the matching requirement established in this proviso language. The department shall also make recommendations relative to the establishment of a reimbursement program for counties which have completed landfill closures without state matching grants.

From funds in Specific Appropriation 2083A, \$1,518,000 shall be distributed pursuant to s. 218.65 Florida Statutes, to counties under 50,000 population.

| | | |
|------|--|-------------|
| 2084 | FIXED CAPITAL OUTLAY WASTEWATER TREATMENT FACILITY CONSTRUCTION FROM SMALL COMMUNITIES SEWER CONSTRUCTION ASSISTANCE TRUST FUND . . . | 6,072,000 |
| | FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . . | 109,000,000 |

From funds in Specific Appropriation 2084 from the Small Communities Sewer Construction Assistance Trust Fund, the Department of Environmental Protection shall grant to the City of Apalachicola \$3,870,000 for the purpose of matching future grants from the Small Communities Sewer Construction Assistance Program.

SECTION 26

SPECIFIC APPROPRIATION

| | | |
|-------|---|--------------------|
| 2085 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FEDERAL LAND AND WATER CONSERVATION FUND GRANTS FROM FEDERAL LAND AND WATER CONSERVATION TRUST FUND | 3,000,000 |
| 2086 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS FROM LAND ACQUISITION TRUST FUND | 4,500,000 |
| 2087 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BOATING RELATED ACTIVITIES FROM MOTORBOAT REVOLVING TRUST FUND | 4,043,455 |
| 2088 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | 600,000 400,000 |
| 2089 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - WALLOP BREAUX BOATING ACCESS PROJECTS FROM MARINE BIOLOGICAL RESEARCH TRUST FUND | 250,000 |
| 2089A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - YOUTH CONSERVATION CORPS - ADDITIONAL CORPS FACILITY FROM GENERAL REVENUE FUND | 970,000 |

Funds in Specific Appropriation 2089A are provided for the construction of a residential Youth Conservation Corps Facility in Washington County, and are contingent upon the donation of land to the Board of Trustees of the Internal Improvement Trust Fund for this purpose.

| | | |
|-------|---|---------|
| 2089B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS KEEP FLORIDA BEAUTIFUL - LITTER PREVENTION FROM SOLID WASTE MANAGEMENT TRUST FUND | 450,000 |
|-------|---|---------|

From funds in Specific Appropriation 2089B, up to \$150,000 may be used to provide for the administrative costs of Keep Florida Beautiful, Inc. Not less than \$300,000 shall be used as pass through

SECTION 2G

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grants to local governments and non-profit organizations for litter prevention programs.

| | | |
|-------|---|-----------|
| 2089C | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS CHILDREN'S ENVIRONMENTAL EXPOSITION CENTER - FT. MYERS FROM LAND ACQUISITION TRUST FUND | 1,000,000 |
|-------|---|-----------|

| | | |
|-------|--|---------|
| 2089D | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS CLEAN VESSEL ACT FROM GRANTS AND DONATIONS TRUST FUND | 850,000 |
|-------|--|---------|

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF DISTRICT SERVICES

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

| | | |
|-------|--|---------|
| 2089E | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS MENTAL HEALTH CARE, INCORPORATED - BAY LIFE PROJECT FROM GENERAL REVENUE FUND | 600,000 |
|-------|--|---------|

| | | |
|-------|---|---------|
| 2089F | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS HENDERSON CLINIC - NEW VISTAS DAY TREATMENT FACILITY FROM GENERAL REVENUE FUND | 853,454 |
|-------|---|---------|

| | | |
|-------|---|-----------|
| 2089G | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS NEW HORIZONS CRISIS STABILIZATION UNIT FROM GENERAL REVENUE FUND | 3,200,000 |
|-------|---|-----------|

| | | |
|-------|---|-----------|
| 2089H | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS MIAMI MENTAL HEALTH CENTER FROM GENERAL REVENUE FUND | 1,200,000 |
|-------|---|-----------|

| | | |
|-------|--|-----------|
| 2089I | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS APALACHEE COMMUNITY MENTAL HEALTH CENTER QUINCY PROJECT FROM GENERAL REVENUE FUND | 1,000,000 |
|-------|--|-----------|

| | | |
|-------|---|-----------|
| 2089J | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS INCREASED MENTAL HEALTH SERVICES FOR THE SOUTH FLORIDA STATE HOSPITAL CATCHMENT AREA FROM GENERAL REVENUE FUND | 1,500,000 |
|-------|---|-----------|

Funds in Specific Appropriation 2089J are provided for construction, major renovations, and other fixed

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capital outlay requirements to expand services in the South Florida State Hospital catchment area.

LAW ENFORCEMENT, DEPARTMENT OF

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

| | | |
|------|--|---------|
| 2090 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS CRIMINAL JUSTICE TRAINING SCHOOLS FROM CRIMINAL JUSTICE TRAINING TRUST FUND | 415,890 |
|------|--|---------|

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

| | | |
|-------|---|------------|
| 2090A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES FROM GENERAL REVENUE FUND | 11,137,939 |
|-------|---|------------|

Funds in Specific Appropriation 2090A are provided to fund the 51 Historic Preservation Projects that were selected in accordance with Chapter 1A-35.008(4), Florida Administrative Code, and included in the Department of State's Legislative Budget Request for 1994/95.

| | | |
|-------|--|---------|
| 2090B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - AFRO AMERICAN LIFE INSURANCE BUILDING FROM GENERAL REVENUE FUND | 407,338 |
|-------|--|---------|

| | | |
|-------|--|---------|
| 2090C | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - COURTHOUSE RENOVATION IN QUINCY FROM GENERAL REVENUE FUND | 500,000 |
|-------|--|---------|

| | | |
|-------|---|---------|
| 2090D | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANT ASSISTANCE FOR BAKER BLOCK FROM GENERAL REVENUE FUND | 175,000 |
|-------|---|---------|

LIBRARY AND INFORMATION SERVICES, DIVISION OF

| | | |
|------|--|----------------------|
| 2091 | FIXED CAPITAL OUTLAY LIBRARY CONSTRUCTION GRANTS FROM GENERAL REVENUE FUND FROM LIBRARY CONSTRUCTION TRUST FUND . . . | 1,524,475 667,023 |
|------|--|----------------------|

Funds in Specific Appropriation 2091 are to be

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expended for library construction projects that are in compliance with s. 257.191, Florida Statutes, and s. 1B-3.002 through .010, Florida Administrative Code.

CULTURAL AFFAIRS, DIVISION OF

| | |
|--|-----------|
| 2091A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS | |
| GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM | |
| FROM GENERAL REVENUE FUND | 7,758,760 |

Funds in Specific Appropriation 2091A are provided to fund the 27 cultural facilities projects that were selected in accordance with the provisions of Chapter 1T-5, Florida Administrative Code, and included in the Department of State's Legislative Budget Request for 1994-95.

| | |
|-------------------------------------|-------------|
| TOTAL OF SECTION 2G | |
| FROM GENERAL REVENUE FUND | 47,126,966 |
| FROM TRUST FUNDS | 576,484,239 |
| TOTAL ALL FUNDS | 623,611,205 |

SECTION 2H - PAYMENTS FOR DEBT SERVICE

The moneys contained herein are appropriated from named funds to the state agencies indicated for transfer to the State Board of Administration for payment of state debt service obligations.

COMMUNITY AFFAIRS, DEPARTMENT OF

HOUSING FINANCE AGENCY

| | |
|---|-----------|
| 2092 FIXED CAPITAL OUTLAY | |
| DEBT SERVICE - LOAN GUARANTEE PROGRAM | |
| FROM STATE HOUSING TRUST FUND | 2,000,000 |

Funds in Specific Appropriation 2092 include Fiscal Year 1994-95 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

SECTION 2H

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Program. Furthermore, in the event the full amount of \$2,000,000 in Specific Appropriation 2092 is not utilized to pay debt service, the remaining balance may be used for the SAIL Program.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

| | | |
|------|--|-------------|
| 2093 | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE | |
| | FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND | 407,960,000 |
| | FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND | 51,000,000 |
| 2094 | FIXED CAPITAL OUTLAY | |
| | GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE | |
| | FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND | 44,000,000 |

UNIVERSITIES, DIVISION OF

BOARD OF REGENTS GENERAL OFFICE

| | | |
|-------|--|------------|
| 2094A | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE | |
| | FROM CAPITAL IMPROVEMENTS FEE TRUST FUND | 15,000,000 |

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

| | | |
|------|--|-------------|
| 2095 | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE | |
| | FROM GENERAL REVENUE FUND | 5,203,695 |
| | FROM LAND ACQUISITION TRUST FUND | 139,371,789 |

Funds in Specific Appropriation 2095 from the Land Acquisition Trust Fund are for Fiscal Year 1994-95 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 1994, and for Fiscal Year 1994-95 debt service on outstanding "Save Our Coast" and Conservation and Recreational Land bonds. 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.

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| | | |
|------|--|-----------|
| 2096 | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE - PRESERVATION 2000 BONDS - | |
| | NEW SERIES | |
| | FROM LAND ACQUISITION TRUST FUND | 5,000,000 |

Funds in Specific Appropriation 2096 are for the first year of debt service for the fifth series of Preservation 2000 bonds.

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

| | | |
|------|--|--------|
| 2097 | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE | |
| | FROM ADMINISTRATIVE TRUST FUND | 93,777 |

MANAGEMENT SERVICES, DEPARTMENT OF FACILITIES MANAGEMENT, DIVISION OF

| | | |
|------|--|------------|
| 2098 | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE | |
| | FROM GENERAL REVENUE FUND | 3,622,350 |
| | FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND | 16,267,045 |

| | | |
|------|-------------------------------------|-----------|
| 2100 | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE NEW ISSUES | |
| | FROM GENERAL REVENUE FUND | 1,821,900 |

TRANSPORTATION, DEPARTMENT OF DISTRICT OPERATIONS

| | | |
|------|--|------------|
| 2101 | FIXED CAPITAL OUTLAY | |
| | DEBT SERVICE | |
| | FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND | 12,000,000 |

TOTAL OF SECTION 2H

| | | |
|--|-------------------------------------|-------------|
| | FROM GENERAL REVENUE FUND | 10,647,945 |
| | FROM TRUST FUNDS | 692,692,611 |
| | TOTAL ALL FUNDS | 703,340,556 |

SECTION 3. The Comptroller is hereby authorized to transfer \$120,590,000 in General Revenue Funds to the Budget Stabilization Fund

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for Fiscal Year 1994-95, as required by S. 19(g), Article III of the Constitution of the State of Florida.

SECTION 4. 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 5. The unexpended balances of the following appropriations to the State University System are hereby reappropriated contingent upon the reversion of funds for the named project:

1. Item 1732, Ch. 92-293, Laws of Florida relating to the University of Central Florida Computer Center Expansion.
2. Item 1732, Ch. 92-293, Laws of Florida relating to the University of Central Florida Downtown Academic Center.
3. Item 1732, Ch. 92-293, Laws of Florida relating to the Florida Atlantic University Physical Sciences Building
4. Item 34, Ch. 93-189, Laws of Florida relating to the University of South Florida Alumni House.
5. Item 34, Ch. 93-189, Laws of Florida relating to the Florida Atlantic University University Center Expansion.
6. Item 34, Ch. 93-189, Laws of Florida relating to the Florida Atlantic University Fieldhouse Renovation/Expansion.
7. Item 1941, Ch. 93-184, Laws of Florida relating to the new Southwest University (p,c)
8. Item 1741, Ch. 92-293, Laws of Florida relating to WFSU-TV/FM - Tallahassee (p,c,e).
9. Items 1730, 1742, and 1747A, Ch. 92-293, Laws of Florida relating to the Developmental Research Schools at Florida State University, Florida A&M University and Florida Atlantic University.
10. Item 1936A, Ch. 93-184, Laws of Florida relating to Florida State University Rehabilitation of Facility for Graduate Student House (p,c,e) and is renamed Graduate Student House.

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Section 6. 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 and sites are part of these projects, each such building and/or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property. Granting approval to acquire the listed property should not be considered as endowing the project with a higher priority for future funding requests related to the property, nor should this result in the State Board of Community Colleges giving special consideration to such projects in developing the Board's three year PECO request.

1. Broward Community College - North Campus Book Store.
2. Central Florida Community College - Four relocatable buildings for classroom and office functions.
3. Pasco-Hernando Community College - Four relocatable buildings for temporary facilities during remodeling at West Campus and use at Spring Hill Center afterwards for temporary classrooms, labs, and administrative facilities.
4. Pensacola Junior College - Horticulture facilities at Milton Center.
5. Valencia Community College - Land and facilities from the Orlando Naval Training Center.

Section 7. Pursuant to Section 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 facilities and sites are a part of these projects, each such building and site must be certified to be free of asbestos or other hazardous building material before it may be accepted by the Board of Regents or the construction project initiated.

1. University of Florida - College of Medicine/Biomedical Research Laboratory/Office Building (Brain Institute) (Reauthorization)
2. University of Florida - Health Center Office Building (Reauthorization)
3. University of Florida - Health Center, Shands Cancer

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Center

4. University of Florida - Health Center Ambulatory Care Center
5. University of Florida - Human Development Replacement Building (Additional Square Footage)
6. University of Florida - Bradenton Restroom Facilities
7. Florida International University - University Park Public Safety Parking Auxiliary Building
8. Florida State University - Parking/National Weather Service Meteorology Facility

Section 8. The appropriations from the Hurricane Andrew Recovery and Rebuilding Trust Fund contained in Ch. 93-186, Laws of Florida which as a result of trust fund revenue shortfalls in Fiscal Years 1992-93 and 1993-94, were placed in reserve by the Executive Office of the Governor, are hereby reappropriated for Fiscal Year 1994-95, with the exception of the following items in the specified amounts:

| | | |
|--|--|--------------|
| Community Affairs, Department of | | |
| IB 1993-94 Hazard Mitigation Projects | | \$ 5,000,000 |
| Health and Rehabilitative Services, Department of | | |
| 6A 1993-94 - FEMA IFG Grant Match | | 10,000,000 |
| Legal Affairs, Department of, and Attorney General | | |
| 9 1992-93 -Operating Expenses | | 34,328 |
| Environmental Protection, Department of | | |
| 10C Rec & Parks Grant Administrator 1992-93 | | 14,758 |
| 10C Rec & Parks Grant Administrator 1993-94 | | 10,000 |
| Community Affairs, Department of | | |
| 14A Grants & Aids - North Miami Beach | | 14,825 |
| 14A Flood Elevation Requirements | | 8,209,924 |

Section 9. The unexpended balances of the following appropriations to the specified community colleges are hereby reappropriated contingent upon the reversion of funds for the named projects:

1. Item 17, Ch. 92-293, Laws of Florida relating to Chipola Junior College Ren/Rem Natural Science Labs and is renamed Natural Science Labs Construction and Remodeling.

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2. Item 1940, Ch. 93-184, Laws of Florida relating to Tallahassee Community College Library/Av Building & rem partial (c) and may be used for the purchase of equipment and furnishings associated with the construction of the Library/Av Building.
3. Item 1940, Ch. 93-184, Laws of Florida relating to Florida Keys Community College, Jt./Monroe County Sch - Tavernier partial (p) and Item 1947, Ch. 93-184, Laws of Florida relating to Joint Use Facilities Project - Monroe District School Board/Florida Keys Community College - classroom facility (p,c).

Section 10. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed from revenue bonds issued pursuant to s. 11 (e), Art. VII of the State Constitution:

1. University of Florida Family and Graduate Student Housing Apartments which may be partially financed from revenue bonds
2. Florida State University Reynolds Hall Renovation which may be partially financed from revenue bonds (Reauthorization)
3. University of South Florida Parking Structure which may be partially financed from revenue bonds (Reauthorization)
4. University of South Florida Bookstore and Textbook Center which may be partially financed from revenue bonds
5. University of South Florida Alpha Residence Hall Renovation which may be partially financed from revenue bonds
6. University of Central Florida Bookstore Expansion which may be partially financed from revenue bonds
7. University of Central Florida Parking Garage which may be partially financed from revenue bonds
8. University of Central Florida Student Housing Facility which may be partially financed from revenue bonds
9. Florida International University Parking Garage which may be partially financed from revenue bonds (Reauthorization)
10. University of North Florida additional student residences which may be partially financed from revenue bonds
11. University of South Florida Student Residence Hall on

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the Sarasota/New College Campus which may be partially financed from revenue bonds

Section 11. Upon becoming law, there is hereby appropriated to the Agency for Health Care Administration for Fiscal Year 1993-94:

The Governor's Office of Planning and Budgeting shall increase the Mental Health Disproportionate Share Program for Fiscal Year 1993-94 by \$34,684,255 and transfer \$19.0 million of general revenue to the Public Medical Assistance Trust Fund

\$5,545,320 from the Medical Care Trust Fund for the implementation of the Rural Hospital Disproportionate Share Program as provided for in Chapter 93-129 or subsequent legislation.

The agency is directed to amend the State Medicaid Plan as necessary to implement this section.

Section 12. There is hereby appropriated to the Department of Banking and Finance for Fiscal Year 1993-94 the sum of \$200,000 from the General Revenue Fund and two FTE positions, to implement revisions to the State Automated Management Accounting System.

Section 13. The appropriations contained herein are provided to support the various agencies and programs for a full year unless otherwise indicated in the detailed statement of legislative intent provided in the form of computerized workpapers for each department. When establishing and implementing operating budgets for Fiscal Year 1994-95, state agencies, departments and branches shall follow all directives regarding phase-in or partial year implementation of programs contained in this Act.

Section 14. Funds in this act may be expended for Florida Bar dues and for legal education courses for attorneys employed by the state.

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SECTION 15. Any section of this act, or any Appropriation herein contained, if found to be invalid or vetoed by the Governor without overriding action by the Legislature shall in no way affect other Sections or Specific Apropriations contained in this act.

SECTION 16. This act shall take effect July 1, 1994, or upon becoming law, whichever occurs later; except Sections 11 and 12, which is effective upon becoming law, however, if this act becomes law after July 1, 1994, then it shall operate retroactively to July 1, 1994.

| | |
|--|---------------|
| TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS | 121,648 |
| FROM GENERAL REVENUE FUND | 14281,790,815 |
| FROM TRUST FUNDS | 24340,980,005 |
| TOTAL ALL FUNDS | 38622,770,820 |

SECTION TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1994-95
(\$ IN MILLIONS)

| | GENERAL REVENUE | LOTTERY | PECO | OTHER TRUST | ALL FUNDS | POSITIONS |
|---|--------------------|--------------|----------------|-----------------|-----------------|----------------|
| SECTION 1 - OPERATIONS | | | | | | |
| 1A - OPERATING | 13,507.2 | 939.3 | | 11,563.9 | 26,010.4 | 121,635 |
| 1B - N/O STATE/FED TO LOCAL GOV | 21.3 | | | 3,072.8 | 3,094.1 | |
| 1C - N/O TRAN/OTHER ST AGENCIES | 341.2 | 7.1 | | 404.7 | 753.0 | 13 |
| 1D - PYMT/PENSION, BENEFIT, CLAIM | 12.0 | | | 3,241.1 | 3,253.1 | |
| SECTION 1 TOTAL | 13,881.7 | 946.4 | | 18,282.4 | 33,110.5 | 121,648 |
| SECTION 2 - FIXED CAPITAL OUTLAY | | | | | | |
| 2A - DMS MANAGED CONSTRUCTION | 6.4 | | | 23.5 | 29.9 | |
| 2B - AGY MANAGED CONSTRUCTION | 332.6 | 2.4 | | 330.5 | 665.5 | |
| 2C - PUBLIC EDUC CAPITAL OUTLAY | | | 981.5 | | 981.5 | |
| 2D - PUBLIC FACIL BONDING PROG | 3.2 | | | 30.2 | 33.5 | |
| 2E - ENERGY GRANTS | | | | 23.1 | 23.1 | |
| 2F - DOT WORK PROGRAM | | | | 2,451.8 | 2,451.8 | |
| 2G - AID/LOC GOVT/NONPROFIT ORG | 47.1 | | | 576.5 | 623.6 | |
| 2H - PAYMENT OF DEBT SERVICE | 10.6 | | 452.0 | 240.7 | 703.3 | |
| SECTION 2 TOTAL | 400.1 | 2.4 | 1,433.5 | 3,676.3 | 5,512.2 | |
| ALL SECTIONS | 14,281.8 | 948.8 | 1,433.5 | 21,958.7 | 38,622.8 | 121,648 |

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING.
APPROPRIATIONS FROM THE WORKING CAPITAL FUND ARE INCLUDED IN THE GENERAL REVENUE SUMMARY TOTALS.

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1994-95
(\$ IN MILLIONS)

| | GENERAL REVENUE | LOTTERY | PECO | OTHER TRUST | ALL FUNDS | POSITIONS |
|-----------------------------------|--------------------|---------|------|----------------|--------------|-----------|
| <u>SECTION 1 - OPERATIONS</u> | | | | | | |
| ADMINISTERED FUNDS..... | 84.8 | | | 47.4 | 132.2 | 19 |
| AGENCY/HEALTH CARE ADMIN..... | 2,354.9 | | | 5,252.6 | 7,607.5 | 1,508 |
| AGRIC/CONSUMER SVCS/COMMR..... | 88.7 | | | 88.5 | 177.2 | 3,751 |
| BANKING/FINANCE/COMPTROLLER..... | 34.0 | | | 32.3 | 66.3 | 922 |
| BUSINESS/PROFESSIONAL REG..... | .1 | | | 156.2 | 156.3 | 2,010 |
| CITRUS, DEPT OF..... | | | | 82.1 | 82.1 | 157 |
| COMMERCE, DEPARTMENT OF..... | 8.8 | | | 24.4 | 33.2 | 294 |
| COMMUNITY AFFAIRS, DEPT OF..... | 16.2 | | | 691.0 | 707.2 | 484 |
| CORRECTIONS, DEPT OF..... | 1,084.2 | | | 51.3 | 1,135.6 | 25,991 |
| EDUCATION, DEPT OF/COM ED..... | 8,996.2 | 946.4 | | 1,462.0 | 9,404.7 | 1,385 |
| ELDER AFFAIRS, DEPT OF..... | 51.8 | | | 89.0 | 150.8 | 103 |
| ENVIR PROTECTION, DEPT OF..... | 55.1 | | | 456.0 | 511.1 | 4,181 |
| GAME/FRESH WTR FISH COM/FL..... | 20.0 | | | 43.0 | 62.9 | 941 |
| GOVERNOR, EXECUTIVE OFFICE..... | 13.4 | | | 8.7 | 22.0 | 260 |
| HEALTH & REHAB SVCS, DEPT..... | 2,091.4 | | | 2,831.5 | 4,922.9 | 36,290 |
| HIGHWAY SAFETY/MTR VEH, DEPT..... | 92.9 | | | 180.0 | 273.0 | 5,119 |
| INSURANCE, DEPT/TREASURER..... | | | | 146.3 | 146.3 | 1,373 |
| JUSTICE ADMINISTRATION..... | 270.6 | | | 22.7 | 293.3 | 6,662 |
| LABOR & EMPLOY SEC, DEPT..... | 27.7 | | | 2,331.1 | 2,358.9 | 7,125 |
| LAW ENFORCEMENT, DEPT OF..... | 70.2 | | | 50.5 | 120.8 | 1,409 |
| LEGAL AFFAIRS/ATTY GENERAL..... | 23.6 | | | 45.9 | 69.5 | 772 |
| LEGISLATIVE BRANCH..... | 141.7 | | | 7.8 | 149.5 | 4 |
| LOTTERY, DEPARTMENT OF THE..... | | | | 150.5 | 150.5 | 737 |
| MANAGEMENT SRVCS, DEPT OF..... | 24.3 | | | 1,638.5 | 1,662.8 | 1,814 |
| MILITARY AFFAIRS, DEPT OF..... | 7.5 | | | 4.9 | 12.4 | 249 |

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING.
APPROPRIATIONS FROM THE WORKING CAPITAL FUND ARE INCLUDED IN THE GENERAL REVENUE SUMMARY TOTALS.

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1994-95
(\$ IN MILLIONS)

| | GENERAL REVENUE | LOTTERY | PECO | OTHER TRUST | ALL FUNDS | POSITIONS |
|---------------------------------|--------------------|---------|------|----------------|--------------|-----------|
| <u>SECTION 1 - OPERATIONS</u> | | | | | | |
| NAT CONF/COMM/UNTF ST LAWS..... | | | | | | |
| PAROLE COMMISSION..... | 10.5 | | | | 10.5 | 222 |
| PUBLIC SERVICE COMMISSION..... | | | | 25.8 | 25.8 | 408 |
| REVENUE, DEPARTMENT OF..... | 83.7 | | | 1,711.1 | 1,794.8 | 3,140 |
| STATE COURT SYSTEM..... | 167.1 | | | 11.8 | 178.9 | 2,488 |
| STATE DEPT OF/SEC OF STATE..... | 45.8 | | | 49.8 | 95.7 | 834 |
| TRANSPORTATION, DEPT OF..... | | | | 587.3 | 587.3 | 10,731 |
| VETERANS' AFFAIRS, DEPT OF..... | 6.5 | | | 2.4 | 8.9 | 265 |
| TOTAL: SECTION 1..... | 13,881.7 | 946.4 | | 18,282.4 | 33,110.5 | 121,648 |

SECTION 2 - FIXED CAPITAL OUTLAY

| | | | | | | |
|---------------------------------|-------|-----|---------|-------|---------|--|
| AGRIC/CONSUMER SVCS/COMMR..... | 5.8 | | | 10.4 | 16.2 | |
| COMMERCE, DEPARTMENT OF..... | 14.6 | | | 54.5 | 69.2 | |
| COMMUNITY AFFAIRS, DEPT OF..... | | | | 209.1 | 209.1 | |
| CORRECTIONS, DEPT OF..... | 268.0 | | | 1.1 | 269.0 | |
| EDUCATION, DEPT OF/COM ED..... | | 2.4 | 1,433.5 | 76.4 | 1,512.3 | |
| ENVIR PROTECTION, DEPT OF..... | 7.0 | | | 733.1 | 740.1 | |
| GAME/FRESH WTR FISH COM/FL..... | | | | 10.7 | 10.7 | |
| HEALTH & REHAB SVCS, DEPT..... | 69.7 | | | 14.5 | 84.2 | |
| HIWAY SAFETY/MTR VEH, DEPT..... | 1.7 | | | 2.3 | 4.0 | |
| LABOR & EMPLOY SEC, DEPT..... | | | | 9.5 | 9.5 | |
| LAW ENFORCEMENT, DEPT OF..... | | | | .4 | .4 | |
| MANAGEMENT SRVCS, DEPT OF..... | 8.7 | | | 66.5 | 75.1 | |

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING.

APPROPRIATIONS FROM THE WORKING CAPITAL FUND ARE INCLUDED IN THE GENERAL REVENUE SUMMARY TOTALS.

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1994-95
(\$ IN MILLIONS)

| | GENERAL REVENUE | LOTTERY | PECO | OTHER TRUST | ALL FUNDS | POSITIONS |
|---|--------------------|---------|---------|----------------|--------------|-----------|
| <u>SECTION 2 - FIXED CAPITAL OUTLAY</u> | | | | | | |
| MILITARY AFFAIRS, DEPT OF..... | .5 | | | | .5 | |
| STATE COURT SYSTEM..... | .8 | | | | .8 | |
| STATE DEPT OF/SEC OF STATE..... | 23.3 | | | .9 | 24.2 | |
| TRANSPORTATION, DEPT OF..... | | | | 2,486.9 | 2,486.9 | |
| TOTAL: SECTION 2..... | 400.1 | 2.4 | 1,433.5 | 3,676.3 | 5,512.2 | |

ALL SECTIONS

| | | | | | | |
|----------------------------------|---------|-------|---------|---------|----------|--------|
| ADMINISTERED FUNDS..... | 84.8 | | | 47.4 | 132.2 | 19 |
| AGENCY/HEALTH CARE ADMIN..... | 2,354.9 | | | 5,252.6 | 7,607.5 | 1,508 |
| AGRIC/CONSUMER SVCS/COMM..... | 94.5 | | | 98.9 | 193.4 | 3,751 |
| BANKING/FINANCE/COMPTROLLER..... | 34.0 | | | 32.3 | 66.3 | 922 |
| BUSINESS/PROFESSIONAL REG..... | .1 | | | 156.2 | 156.3 | 2,010 |
| CITRUS, DEPT OF..... | | | | 82.1 | 82.1 | 157 |
| COMMERCE, DEPARTMENT OF..... | 23.4 | | | 78.9 | 102.4 | 294 |
| COMMUNITY AFFAIRS, DEPT OF..... | 16.2 | | | 900.1 | 916.3 | 484 |
| CORRECTIONS, DEPT OF..... | 1,352.2 | | | 52.4 | 1,404.6 | 25,991 |
| EDUCATION, DEPT OF/COM ED..... | 6,996.2 | 948.8 | 1,433.5 | 1,538.4 | 10,916.9 | 1,385 |
| ELDER AFFAIRS, DEPT OF..... | 61.8 | | | 89.0 | 150.8 | 103 |
| ENVIR PROTECTION, DEPT OF..... | 62.1 | | | 1,189.1 | 1,251.2 | 4,181 |
| GAME/FRESH WTR FISH COM/FL..... | 20.0 | | | 53.7 | 73.6 | 941 |
| GOVERNOR, EXECUTIVE OFFICE..... | 13.4 | | | 8.7 | 22.0 | 260 |
| HEALTH & REHAB SVCS, DEPT..... | 2,161.0 | | | 2,846.0 | 5,007.0 | 86,290 |
| HIMAY SAFETY/MTR VEH, DEPT..... | 94.7 | | | 182.3 | 277.0 | 5,119 |

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING.

APPROPRIATIONS FROM THE WORKING CAPITAL FUND ARE INCLUDED IN THE GENERAL REVENUE SUMMARY TOTALS.

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1994-95
(\$ IN MILLIONS)

| | GENERAL REVENUE | LOTTERY | PECO | OTHER TRUST | ALL FUNDS | POSITIONS |
|---------------------------------|--------------------|---------|---------|----------------|--------------|-----------|
| <u>ALL SECTIONS</u> | | | | | | |
| INSURANCE, DEPT./TREASURER..... | | | | 146.3 | 146.3 | 1,373 |
| JUSTICE ADMINISTRATION..... | 270.6 | | | 22.7 | 293.3 | 6,662 |
| LABOR & EMPLOY SEC. DEPT..... | 27.7 | | | 2,340.7 | 2,368.4 | 7,125 |
| LAW ENFORCEMENT, DEPT OF..... | 70.2 | | | 50.9 | 121.0 | 1,409 |
| LEGAL AFFAIRS/ATTY GENERAL..... | 23.6 | | | 45.9 | 69.5 | 772 |
| LEGISLATIVE BRANCH..... | 141.7 | | | 7.8 | 149.5 | 4 |
| LOTTERY, DEPARTMENT OF THE..... | | | | 150.5 | 150.5 | 737 |
| MANAGEMENT SRVCS, DEPT OF..... | 33.0 | | | 1,705.0 | 1,737.9 | 1,814 |
| MILITARY AFFAIRS, DEPT OF..... | 8.0 | | | 4.9 | 12.9 | 249 |
| NAT CONF/COMM/UNIF ST LAWS..... | | | | | | |
| PAROLE COMMISSION..... | 10.5 | | | | 10.5 | 222 |
| PUBLIC SERVICE COMMISSION..... | | | | 25.8 | 25.8 | 408 |
| REVENUE, DEPARTMENT OF..... | 83.7 | | | 1,711.1 | 1,794.8 | 3,140 |
| STATE COURT SYSTEM..... | 167.9 | | | 11.8 | 179.6 | 2,488 |
| STATE DEPT OF/SEC OF STATE..... | 69.2 | | | 50.7 | 119.9 | 834 |
| TRANSPORTATION, DEPT OF..... | | | | 3,074.2 | 3,074.2 | 10,731 |
| VETERANS' AFFAIRS, DEPT OF..... | 6.5 | | | 2.4 | 8.9 | 265 |
| TOTAL: ALL SECTIONS..... | 14,281.8 | 948.8 | 1,433.5 | 21,958.7 | 38,622.8 | 121,648 |

Approved by the Governor June 16, 1994.

Filed in Office Secretary of State June 16, 1994.

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING.

APPROPRIATIONS FROM THE WORKING CAPITAL FUND ARE INCLUDED IN THE GENERAL REVENUE SUMMARY TOTALS.

CHAPTER 94-358

House Bill No. 2223

An act relating to implementing the fiscal year 1994-1995 General Appropriations Act; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to use general revenue funds to extend AFDC and Medicaid benefits to certain asylum applicants; requiring quarterly reports by the Department of Health and Rehabilitative Services on specified pending class-action litigation; prescribing the method by which the Department of Health and Rehabilitative Services shall make allocations to service districts; authorizing the Department of Health and Rehabilitative Services and the Agency for Health Care Administration to transfer general revenue funds as necessary to comply with any proviso language or provision of law requiring or specifically authorizing the transfer of general revenue funds between the two agencies; providing for use of juvenile justice appropriations as startup funding for juvenile justice facility or program purposes; transferring responsibility for the state pharmaceutical contract from the Department of Management Services to the Department of Health and Rehabilitative Services; transferring a specified amount of certain funds received by the Agency for Health Care Administration to the Department of Health and Rehabilitative Services for fixed capital outlay appropriations; providing for the coordinated and organized phase-out of the Florida Health Access Corporation during the 1994-1995 fiscal year; requiring continued coverage prior to dissolution; authorizing liquidation of certain property; requiring the Department of Health and Rehabilitative Services and the Department of Juvenile Justice to give priority to vacant facilities for juvenile justice programs in counties that have indicated support; prescribing the data to be used in disproportionate-share-program determinations; authorizing the Department of Health and Rehabilitative Services to advance moneys for certain contract services; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program; allowing certain juvenile justice programs to be considered institutions for the purpose of replacing motor vehicles; requiring the Department of Health and Rehabilitative Services to develop and use a unit-cost methodology for certain alcohol, drug abuse, and mental health services; authorizing certain transfers to accomplish agency reorganizations required by law, including child support enforcement; providing for a fee for serological tests required in blood samples submitted to Department of Health and Rehabilitative Services laboratories; authorizing the Department of Health and Rehabilitative Services to provide construction grants for domestic violence shelters from certain funds; requiring a pharmacy copayment to implement the provisions of the specific appropriation; providing for security at meetings of the Parole Commission; requiring a study of the feasibility of privatizing medical services at prison reception centers; allowing the Board of Pharmacy to provide certain exemptions for pharmacy programs at the Department of Corrections; authorizing the Department of Corrections to use certain funding to house offenders in local detention or correctional facilities; au-

thorizing the Division of Bond Finance of the State Board of Administration to refinance certain bonds; prescribing duties of state agencies covered by the state risk management program with respect to funding costs for employees entitled to workers' compensation benefits; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; authorizing the Department of State to use specified funds to operate and maintain information systems and equipment for public records access; authorizing the transfer of certain funds from the sale of management area stamps to the State Game Trust Fund for agency operations; authorizing use of the Florida International Trade and Promotion Trust Fund to fund the Division of International Trade and Development of the Department of Commerce; authorizing use of the Tourism Promotional Trust Fund to fund international trade grants and international linkage institutes; authorizing use of the Cultural Institutions Trust Fund to fund matching endowments under the Fine Arts Endowment Program and the state touring program, subject to legislative appropriation; providing guidelines for determining compliance with expenditures reductions relating to creation of the Department of Management Services; providing that certain funds appropriated for the System for Unified Taxation (SUNTAX) shall not revert; transferring the balance of the Quincentennial Trust Fund to the Historic Preservation Trust Fund; requiring the Auditor General to resume routine financial and operational audits of the Florida Public Service Commission; prohibiting the Department of Environmental Protection from seeking certain reimbursement to the Water Quality Assurance Trust Fund; authorizing performance-based budgeting for the Department of Revenue and specifying requirements thereof; specifying the deposit and distribution of the excise tax on alcoholic beverages; specifying a maximum year-end balance in the Alcoholic Beverage and Tobacco Trust Fund; directing the Department of Management Services to delegate responsibility for disposal of surplus property; preventing the reversion of certain funds appropriated to the Department of Commerce for quick-response training; requiring coordination among the Departments of Environmental Protection, Agriculture and Consumer Services, and Health and Rehabilitative Services and the Game and Fresh Water Fish Commission to site juvenile justice residential facilities; specifying program orientation; requiring a report; authorizing the Department of State to use the Cultural Institutions Trust Fund to fund certain cultural programs when appropriations are provided for such purposes; transferring the balance of funds in the Homeport Development Trust Fund to the Beach Management Trust Fund within the Department of Environmental Protection; transferring a specified amount from the Port Trust Fund to the Beach Management Trust Fund in the Department of Environmental Protection; authorizing the Department of Commerce to reimburse Escambia County for costs related to a certain Department of Defense project; preventing the reversion of certain contract auditing funds of the Department of Revenue; providing for reallocation of funds with respect to assessments for the Florida Casualty Insurance Risk Management Trust Fund; providing for the Department of Management Services to acquire land for a regional service center; directing the Department of Environmental Protection to waive certain requirements and grant funds to the City of Apalachicola for a wastewater

treatment facility; authorizing a certain appropriation to be used for mosquito control and transferring moneys collected from waste tire fees to the Department of Agriculture and Consumer Services; transferring a sum from the Public Facilities Conversion Revolving Trust Fund to general revenue; authorizing the Department of Management Services to use certain funds to relocate an existing playground at the proposed site of the Lee Davis Regional Service Center in Tampa; authorizing a loan to the Greater Tampa Bay Marine Advisory Council for on-line measurement of tides; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; providing for calculation of the maximum total weighted full-time equivalent student enrollment of each school district; providing for the implementation of ch. 90-49, Laws of Florida, relating to laboratory schools; requiring the State University System to develop a personnel system to meet certain payroll and informational system requirements; prescribing limits on increases in financial assistance payments for private tuition assistance; providing authority for state universities to match funds in the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts; prescribing the fee for certification and certification renewal for certain educational personnel; exempting certain contracts for developmental research schools from restrictions on the amount of overhead that may be allowed in a contract; requiring the selection of a qualified contract provider of educational services at the Alternative Education Institute; requiring an audit of the Division of Blind Services; requiring a report concerning the transfer or privatization of the division and certain of its programs; authorizing the Department of Education to contract for the 1994 cost-of-living market basket survey; requiring 50 percent of the Challenger license plate annual use fee to be deposited into the Center for Space Education Trust Fund; specifying the use of such funds, including administrative costs; excluding certain nonvoted discretionary taxes and state funds from the calculation of the minimum guaranteed funding level per weighted full-time equivalent; authorizing the Department of Education to enter into codevelopment contracts; specifying the certified required local effort millage that shall be levied for the 1994-1995 fiscal year for Sarasota County; directing the Commissioner of Education to extend the deadline for submission of school improvement plans; continuing the waiver of certain education laws; exempting the Knott Data Center and Projects, Contracts, and Grants Programs from certain budget request requirements; allowing the Department of Education to approve certain items for the center and such projects, contracts, and grants programs; prohibiting certain obligations of state funds; requiring the use of Safe School funding consistent with associated proviso; authorizing the Board of Regents to lease certain space at the Leon County Research and Development Park upon the award of two specified contracts; requiring a separate vote by any school board to levy certain supplemental nonvoted discretionary millage authorized in the General Appropriations Act; allowing the Commissioner of Education to reorganize the Department of Education; limiting such reorganization; requiring reports; authorizing the use of unobligated discretionary capital improvement millage to fund one-time expenditures

for classroom materials; requiring the Commissioner of Education to authorize pilot projects to use an alternative method of funding exceptional student education; providing for retroactive implementation of the teaching incentive programs effective with the start of the 1993-1994 academic year; prohibiting the Commissioner of Education from accepting in fiscal year 1994-1995 certain applications and requests for funds for community educational facilities in order to focus the use of PECO funds on the provision of direct instruction facilities; providing that certain funds appropriated to the Holmes County and Nassau County School Boards shall not be counted toward the total state effort required; allowing the Dixie County School Board to postpone repayment associated with the Special Facilities Construction Account; allowing Miami-Dade Community College to acquire land with federal and other non-PECO funds; providing for extensions of any loan made to Florida International University for hurricane damage restoration; providing that moneys in specified appropriations for educational facilities in Monroe County will not revert; authorizing the Executive Office of the Governor and the Chief Justice of the Supreme Court to approve certain budget changes under certain circumstances and requiring the Executive Office of the Governor and the Chief Justice to maintain an accounting of these changes and to provide this accounting to the legislative appropriations committees upon request; prescribing duties of parties to a collective bargaining agreement in financial emergencies; requiring the Information Resource Commission to examine and develop recommendations to the Governor and legislative leaders for the streamlining of data centers and other computing facilities; providing duties of the Comptroller with respect to certain payments to the Information Resource Commission; limiting state agency and governmental branch actions resulting from certain contracts containing provisions for dispute resolution; amending s. 7, ch. 92-350, Laws of Florida; extending the date for transferring to the Working Capital Fund the unobligated balance within the Hurricane Andrew Recovery and Rebuilding Trust Fund; providing severability; providing effective dates, including a retroactive effective date, and expiration dates.

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

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 1994-1995.

Section 2. AGING, HEALTH AND HUMAN SERVICES.—

(1) The Department of Health and Rehabilitative Services may utilize general revenue funds to extend AFDC and Medicaid benefits to asylum applicants who are similarly situated to the plaintiff in Department of Health and Rehabilitative Services v. Solis. In implementing this provision, the department shall not amend Section 4.1.I.b. of the AFDC state plan.

(2) The Secretary of Health and Rehabilitative Services shall compile and submit quarterly reports on the current status on all pending class-action litigation that contains a claim under 42 U.S.C. s. 1983. These reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Re-

publican Leader of the House, the Republican Leader of the Senate, and the chairs of the Appropriations Committees of the Legislature.

(3) Since a major reallocation of funds among service districts of the Department of Health and Rehabilitative Services could result in diminution of services to current clients and financial instability of current providers, allocations made by the department to its service districts for fiscal year 1994-1995 shall be made in accordance with the allocation methodologies in place as of January 1, 1994.

(4) Notwithstanding the provisions of section 216.292(1), Florida Statutes, or any other provision of law to the contrary, the Department of Health and Rehabilitative Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with the requirements of any proviso language or other provision of law that requires or specifically authorizes the transfer of general revenue funds between these two agencies.

(5) Notwithstanding the provisions of chapter 216, Florida Statutes, or any other provision of law to the contrary, funds from juvenile justice appropriations may be utilized as one-time startup funding for juvenile justice purposes that include, but are not limited to, remodeling or renovation of existing facilities, construction costs, leasing costs, purchase of equipment and furniture, site development, and other necessary and reasonable costs associated with the startup of facilities or programs. Provider contracts shall be structured to protect both the provider's and the state's capital interests in the facilities on a pro rata basis according to the investment of each party.

(6) Notwithstanding any other provision of law to the contrary, the responsibility for the state pharmaceutical contract is transferred from the Department of Management Services to the Department of Health and Rehabilitative Services.

(7) Notwithstanding the provisions of chapter 216, Florida Statutes, \$1,061,753 of the funds received by the Agency for Health Care Administration for third-party recoupment of fraud and abuse collections for fiscal year 1993-1994 shall be transferred to the Administrative Trust Fund of the Department of Health and Rehabilitative Services for fixed capital outlay appropriations.

(8) Notwithstanding the provisions of section 408.0014, Florida Statutes, the Legislature has eliminated funding during fiscal year 1994-1995 for the Florida Health Access Corporation in anticipation of the dissolution of the corporation no later than April 30, 1995. Prior to dissolution, the Florida Health Access Corporation shall continue to make available health care coverage to the employees and dependents of small business employers who have purchased such coverage through the corporation until alternate coverage is secured. The Florida Health Access Corporation is authorized, prior to dissolution of the corporation, to liquidate at fair market value nonexpendable property of the corporation which is no longer required by the corporation.

(9) The Department of Health and Rehabilitative Services and the Department of Juvenile Justice, when established, in purchasing or otherwise acquiring the use of facilities for juvenile justice programs, must give first priority to appropriate vacant facilities located in counties which, by resolution of their board of county commissioners, have indicated support for the use of such facilities for juvenile justice programs.

(10) Notwithstanding the provisions of section 409.911, Florida Statutes, during the 1994-1995 fiscal year, the Department of Health and Rehabilitative Services shall use the 1992-1993 disproportionate share formula, the 1989 audited financial data, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify.

(11) Notwithstanding any other provision of law to the contrary, funds appropriated to the Department of Health and Rehabilitative Services in specific appropriations 721 through 937 of the General Appropriations Act for fiscal year 1994-1995 may be advanced, unless specifically prohibited in the General Appropriations Act, for those contracted services which were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit-cost basis.

(12) Notwithstanding the provisions of section 409.9115, Florida Statutes, beginning in October 1994, the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals on a monthly basis. A payment will be made in July 1994 which will include the amounts relating to the period April 1, 1994, through June 30, 1994, based on the remaining DSH amount available for federal fiscal year 1994 and state fiscal year 1993-1994. The payments for October 1994 through June 1995 will be made monthly in an amount equal to one-twelfth of the amount available for federal fiscal year 1995 and state fiscal year 1994-1995. If the amounts appropriated for the Medicaid disproportionate share program for mental health hospitals is increased or decreased during the year through chapter 216, Florida Statutes, the required adjustment shall be prorated over the remaining payment periods.

(13) Notwithstanding the provisions of section 287.155, Florida Statutes, the juvenile justice residential programs and residential facilities operated by the Department of Health and Rehabilitative Services or the Department of Juvenile Justice, when established, are considered institutions for the purposes of replacement of motor vehicles pursuant to section 287.155, Florida Statutes.

(14) Notwithstanding the provisions of chapter 394, Florida Statutes, or any other provision of law to the contrary, the Department of Health and Rehabilitative Services must, to the extent practical and possible within existing resources, pay for alcohol, drug abuse, and mental health services on a unit-cost basis with the funds provided in specific appropriations 795 through 805 of the General Appropriations Act for fiscal year 1994-1995. The department must establish an advisory committee composed of private provider representatives and department staff to develop a unit-cost methodology which will facilitate implementation of performance-based budgeting and management. In addition, the department may not contract for alcohol, drug abuse, and mental health services on a capitated basis unless specifically authorized by law.

(15) Notwithstanding the provisions of chapter 216, Florida Statutes, the Executive Office of the Governor is authorized to make intraagency and interagency transfers necessary to accomplish the creation of the Department of Juvenile Justice and the transfer of Child Support Enforcement to the Department of Revenue. Any transfers accomplished under this subsection must adhere to the notice and consultation requirements of chapter 216, Florida Statutes.

(16) Notwithstanding section 383.12, Florida Statutes, a fee of \$20 may be charged for any serological tests required pursuant to section 383.14, Florida Stat-

utes, on blood samples submitted to the laboratory of the Department of Health and Rehabilitative Services or to any of its authorized branches. The department is authorized to establish the most efficient and cost-effective manner of assessing and collecting this fee.

(17) Notwithstanding the provisions of chapter 216, Florida Statutes, or any other provision of law to the contrary, the Department of Health and Rehabilitative Services may provide grants for construction and renovation of domestic violence shelters from the nonrecurring funds provided in specific appropriation 788 of the General Appropriations Act for fiscal year 1994-1995.

(18) Notwithstanding the provisions of section 409.9081, Florida Statutes, the Agency for Health Care Administration shall amend the Medicaid State Plan to require a \$1 pharmacy copayment to implement the provisions of specific appropriation 63 of the General Appropriations Act for fiscal year 1994-1995.

Section 3. CRIMINAL JUSTICE.—

(1) During meetings of the Parole Commission that are held in the State Capitol Complex or other state facilities throughout the state, security shall be provided by the Division of Capitol Police of the Department of Management Services.

(2) From funds provided in specific appropriation 1162 of chapter 93-184, Laws of Florida, the Joint Legislative Management Committee shall retain a consultant to conduct a study of the feasibility of privatization of medical services at the prison reception centers.

(3) The Board of Pharmacy shall work with the Department of Corrections to ensure that the department is able to operate pharmacies which serve multiple institutions. The board shall provide exemptions for the department to successfully operate these pharmacies at the most efficient level possible, with reasonable management and oversight of the operations. The department may request operational exemptions, including, but not limited to, the layout of pharmacies within correctional facilities, the one pharmacy manager per license rule, ordering restrictions, and OBRA regulations.

(4) Notwithstanding the provisions of section 216.301, Florida Statutes, the Department of Corrections may utilize the funds contained in specific appropriation 258 of chapter 93-184, Laws of Florida, for housing of offenders in local detention or correctional facilities until June 30, 1995.

Section 4. GENERAL GOVERNMENT AND TRANSPORTATION.—

(1) The Division of Bond Finance of the State Board of Administration is hereby authorized to refinance any or all bonds previously issued pursuant to the provisions of Section 11(d), Article VII of the State Constitution, and all projects that have been built or are scheduled to be built with the proceeds of bonds previously issued pursuant to the provisions of Section 11(d), Article VII of the State Constitution are hereby approved in accordance with the provisions of Section 11(e), Article VII of the State Constitution for the purposes of one or more refinancings of any or all of such bonds as may be determined by the Division of Bond Finance. The bonds authorized to be issued shall not be counted towards any statutory limit on the dollar amount of bonds which may be issued for any bond program.

(2) It is the intent of the Legislature, through the implementation of this section, to provide state agencies with an increased incentive to become actively in-

involved in the prevention and management of workers' compensation claims involving state employees. Notwithstanding the provisions of current law to the contrary, state agencies covered by the state risk management program established under chapter 284, Florida Statutes, shall be responsible for funding initial salary indemnification costs for employees who are entitled to workers' compensation benefits pursuant to chapter 440, Florida Statutes, from funds appropriated to pay salaries and benefits. "Salary indemnification costs" shall be defined as those payments made to employees for temporary total disability benefits. After an employee has been eligible for disability benefits for 10 weeks, salary indemnification costs shall be funded from the Florida Casualty Insurance Risk Management Trust Fund in accordance with the provisions of chapter 284, Florida Statutes, for those agencies insured by the fund. For the purpose of administering this section, the Division of Risk Management of the Department of Insurance shall continue to pay all claims, but shall be periodically reimbursed from funds of state agencies for initial salary indemnification costs for which they are responsible. If a state agency demonstrates to the Executive Office of the Governor and the chairs of the Appropriations Committees of the Legislature that no funds are available to pay initial salary indemnification costs for a specific claim pursuant to this section without adversely impacting its ability to perform statutory responsibilities, the Executive Office of the Governor may direct the Division of Risk Management to fund all salary indemnification costs for that specific claim from the Florida Casualty Insurance Risk Management Trust Fund and waive the state agency reimbursement requirement. The Division of Risk Management shall prepare quarterly reports to the Executive Office of the Governor and the chairs of the Appropriations Committees of the Legislature indicating for each state agency the total amount of salary indemnification benefits paid to claimants and the total amount of reimbursements from state agencies to the Florida Casualty Insurance Risk Management Trust Fund for initial salary costs for the previous quarter. These reports shall also include information for each state agency indicating the number of cases and amounts of initial salary indemnification costs for which reimbursement requirements were waived by the Executive Office of the Governor pursuant to this section. If a state agency fails to pay casualty insurance premiums or salary indemnification reimbursements within 30 days after being billed, the Division of Risk Management shall advise the Comptroller. After verifying the accuracy of the billing, the Comptroller shall transfer the appropriate amount from any available funds of the delinquent state agency to the Florida Casualty Insurance Risk Management Trust Fund.

(3) Notwithstanding the provisions of section 15.09(5), Florida Statutes, funds deposited into the Public Access Data Systems Trust Fund may be used by the Department of State to operate and maintain information systems and equipment purchased to provide greater public access to the information and records maintained by the department.

(4) Notwithstanding the provisions of section 372.573, Florida Statutes, funds dedicated for the purchase of lands for public hunting, fishing, and other outdoor recreation from the sale of management area stamps may be transferred to the State Game Trust Fund for agency operations.

(5) Notwithstanding the provisions of section 288.826, Florida Statutes, or any other provision of law to the contrary, the Florida International Trade and Promotion Trust Fund may be used to fund the Division of International Trade and Development of the Department of Commerce.

(6) Notwithstanding the provisions of section 288.122, Florida Statutes, or any other provision of law to the contrary, the Tourism Promotional Trust Fund may be used to fund international trade grants and international linkage institutes in the Division of International Trade and Development of the Department of Commerce.

(7) Notwithstanding the provisions of section 265.2861, Florida Statutes, or any other provision of law to the contrary, the Cultural Institutions Trust Fund may be used to fund matching endowments under the Fine Arts Endowment Program pursuant to the provisions of section 265.606, Florida Statutes, and the state touring program, subject to legislative appropriations for this purpose.

(8) For purposes of determining compliance with the expenditure reductions provided for in section 338 of chapter 92-279, Laws of Florida, the following guidelines shall apply in determining the appropriate amounts to be included in the base for fiscal year 1991-1992 and the specified reduction fiscal years:

(a) The following budget entities assigned to the Department of Management Services shall not be included in the expenditure reduction requirement:

1. Commission on Human Relations.
2. Division of Administrative Hearings.
3. Information Resource Commission.
4. Division of Retirement.

(b) Expenditures from the other-personal-services budget category shall include payments to persons where an employer/employee relationship exists and shall exclude independent contractors.

(c) Funding for new positions and temporary employees appropriated by the Legislature after April 17, 1992, shall be excluded in the determination of actual expenditures for fiscal years 1993-1994 and 1994-1995.

(d) The retroactive pay increase appropriated and paid in July 1993 shall be included in the total expenditures subject to the reduction for fiscal year 1991-1992 and excluded from the actual expenditures calculations for fiscal year 1993-1994.

(e) State employee pay increases appropriated by the Legislature subsequent to the enactment of chapter 92-279, Laws of Florida, shall be excluded from total expenditures for the 1993-1994 and 1994-1995 fiscal years.

(9) Notwithstanding the provisions of section 216.301, Florida Statutes, funds for the System for Unified Taxation (SUNTAX) provided in specific appropriation 1439 of chapter 93-184, Laws of Florida, shall not revert.

(10) Notwithstanding the provisions of section 320.08067, Florida Statutes, or any other provision of law to the contrary, the balance of the Quincentennial Trust Fund in the Department of Commerce is hereby transferred to the Historic Preservation Trust Fund in the Division of Historical Resources of the Department of State.

(11) Notwithstanding the provisions of section 11.45, Florida Statutes, the Auditor General, at the direction of the Joint Legislative Auditing Committee, shall resume routine financial and operational audits of the Florida Public Service Com-

mission, including funds appropriated to the commission in the General Appropriations Act for fiscal year 1994-1995.

(12) Notwithstanding the provisions of section 376.307(5), Florida Statutes, the Department of Environmental Protection shall not seek reimbursement to the Water Quality Assurance Trust Fund for any funds transferred to the Institute of Food and Agricultural Sciences of the University of Florida.

(13)(a) The General Tax Administration Program within the Department of Revenue is approved by the Legislature for performance-based management and budgeting during fiscal year 1994-1995.

(b) No later than July 1, 1994, the Executive Office of the Governor, working with the Department of Revenue and in consultation with the legislative appropriations committees, shall develop and refine performance measures and standards for the General Tax Administration Program. The performance measures and standards shall be included in the approved operating budget and be subject to the notice and review procedures set forth in section 216.177, Florida Statutes. Pursuant to section 216.181(4)(a) and (b), Florida Statutes, any lump sums appropriated in the 1994-1995 General Appropriations Act for the above programs shall be transferred to appropriate disbursement accounts in the approved budget by the Executive Office of the Governor based upon approved performance measures and standards.

(c) Notwithstanding the provisions of section 216.181(9)(b), Florida Statutes, the department may implement a program for payment of one-time bonuses or performance incentives to state employees for exemplary performance that results in increases in productivity, as provided by the proposed career service reform rules. The availability of such bonuses and performance incentives shall be published within the department prior to being awarded. Such publication must identify the performance measures or exemplary performance for which the bonus is to be awarded.

(d) The department may transfer funds and budget authority within the approved pilot performance-based budgeting programs without prior approval of the Executive Office of the Governor, provided that the department complies with legislative intent. Notice of the transfers must be provided to the Executive Office of the Governor, the Office of the Comptroller, and the legislative appropriations committees at least 14 days before the transfers take effect.

(e) Notwithstanding the provisions of section 216.181, Florida Statutes, the department may transfer salary rates internally within the approved pilot performance-based programs without prior approval. Notice of the transfers must be provided to the Executive Office of the Governor, the Office of the Comptroller, and the legislative appropriations committees at least 14 days before the transfers take effect.

(f) Notwithstanding the provisions of section 216.031, Florida Statutes, the department shall be authorized to add and delete positions within the performance-based program and to transfer positions within the performance-based program without the prior approval of the Executive Office of the Governor, provided that the department remains within the total positions appropriated by the Legislature or established by the Governor and Cabinet. Notice of transfers must be provided to the Executive Office of the Governor, the Office of the Comptroller, the Depart-

ment of Management Services, and the legislative appropriations committees at least 14 days before the transfers take effect.

(g) Notwithstanding the provisions of sections 20.171 and 20.21, Florida Statutes, the department may allocate functions within each approved performance-based program.

(h) For the purposes of this pilot performance-based management and budgeting program, the department is authorized to adopt and revise emergency rules implementing the department's personnel and budgeting system or any other provision of this subsection and to adopt permanent rules as needed.

(14)(a) Notwithstanding the provisions of section 561.025, Florida Statutes, all state funds collected pursuant to sections 563.05, 564.06, and 565.12, Florida Statutes, shall be paid into the State Treasury and disbursed in the following manner:

1. Two percent of monthly collections shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the appropriation for fiscal year 1994-1995 to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

2. The remainder of collections shall be credited to the General Revenue Fund.

3. The unencumbered balance in the Alcoholic Beverage and Tobacco Trust Fund at the close of fiscal year 1994-1995 may not exceed \$2,000,000. Any unencumbered funds in excess of \$2,000,000 shall be transferred to the General Revenue Fund.

(b) Notwithstanding the provisions of section 561.025, Florida Statutes, state funds collected pursuant to section 561.501, Florida Statutes, shall be paid into the State Treasury and credited to the following accounts:

1. Nine and eight-tenths percent of monthly collections shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

2. The remainder of collections shall be credited to the General Revenue Fund.

(15) Notwithstanding the provisions of sections 273.04-273.055, Florida Statutes, the Department of Management Services is directed to continue the delegation of responsibility for disposal of surplus property to agencies as implemented in September 1993 in the disseminated Department of Management Services guidelines.

(16) Notwithstanding the provisions of section 216.301, Florida Statutes, up to \$1,000,000 of the funds provided in specific appropriation 164C of chapter 93-184, Laws of Florida, shall not revert on December 31, 1994, and shall be available to fulfill any obligations incurred through contracts awarded for quick-response training during the second half of fiscal year 1993-1994 pursuant to section 288.047, Florida Statutes.

(17) The Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Game and Fresh Water Fish Commission shall work in conjunction with the Department of Health and Rehabilitative Services to identify state parks, preserves, wildlife management areas, and state for-

ests of 2,000 acres in size or greater which are in need of resource management support and which contain areas (5-10 acres) large enough to support the siting of small, residential delinquency facilities to be operated by private, not-for-profit, youth delinquency operators under contract with the Department of Health and Rehabilitative Services. If recommended by the managing agency and approved by the Board of Trustees of the Internal Improvement Trust Fund, these site locations may be made available for sublease to the Department of Health and Rehabilitative Services for such delinquency programs. In exchange for the utilization of these site locations, the Department of Health and Rehabilitative Services shall require such program operators to provide a measurable level of resource management services consistent with goals of the state land managing agency. In addition, the educational thrust of such delinquency programs shall be heavily weighted toward environmental education and appreciation. The practical resource management activity and environmental appreciation education field component of these delinquency programs may include activities on other state-owned lands in the surrounding areas which are acceptable to the land managing agency. Residential delinquency programs which are authorized to add residential and support facilities under this subsection shall be required to site those facilities in a manner which does not degrade the environmental quality, management, or public use of the state lands. The Department of Health and Rehabilitative Services is encouraged to experiment with longer stays and the mix of delinquent levels in these programs. The management and operation of these programs, including siting, shall comply with existing statutory and administrative requirements. It is expected that the land managing agencies, the Department of Health and Rehabilitative Services, the delinquency operators, the delinquent youth that participate in these programs, and the general taxpayers of this state will benefit from this cooperative arrangement. The Secretary of Health and Rehabilitative Services and the land management agencies are to prepare, through the lead of the Department of Environmental Protection, a report on the progress of this program, to be submitted, before the opening of the 1995 Regular Session of the Florida Legislature, to the Board of Trustees of the Internal Improvement Trust Fund and the chairs of the Committees on Appropriations, Natural Resources, and Health and Rehabilitative Services of the Legislature.

(18) Notwithstanding the provisions of section 265.2861, Florida Statutes, or any other provision of law to the contrary, the Department of State is authorized to use the Cultural Institutions Trust Fund for the purpose of providing funding for "Cross and Sword," the Florida Endowment for the Humanities, arts grants, arts in education grants, and challenge grants, if legislative appropriations are provided for such purposes.

(19) Notwithstanding any other provision of law to the contrary, the Homeport Development Trust Fund in the Department of Environmental Protection is hereby abolished and all remaining balances in the fund shall be transferred to the Beach Management Trust Fund.

(20) Notwithstanding any other provision of law to the contrary, \$1,000,000 is hereby transferred from the Port Trust Fund in the Department of Environmental Protection to the Beach Management Trust Fund.

(21) Notwithstanding the provisions of section 288.063, Florida Statutes, the Department of Commerce is authorized to reimburse Escambia County for costs incurred with regard to the Department of Defense Finance and Accounting Service Center Project.

(22) Notwithstanding the provisions of section 216.301, Florida Statutes, funds provided in specific appropriation 1426B of chapter 93-184, Laws of Florida, for contract auditing shall not revert on December 31, 1994.

(23) Notwithstanding the provisions of chapter 216, Florida Statutes, to the contrary, the Executive Office of the Governor shall reallocate funding in the 1994-1995 approved budget for state agencies and the judicial branch to align spending authority with the Division of Risk Management's premium assessments for the Florida Casualty Insurance Risk Management Trust Fund calculated pursuant to the provisions of section 284.36, Florida Statutes. This reallocation shall not increase the statewide total authorized by the Legislature for premium payments into the Florida Casualty Insurance Risk Management Trust Fund, and is subject to the notice, review, and objection provisions included in section 216.177, Florida Statutes.

(24) Notwithstanding the provisions of section 255.518(1)(a), Florida Statutes, the Department of Management Services is authorized to use bond proceeds to acquire land associated with an existing facility for a new regional service center in Broward County, Florida.

(25) Notwithstanding the provisions of section 403.1838, Florida Statutes, the Department of Environmental Protection shall waive the current requirements and grant to the City of Apalachicola sufficient funds to match future grants awarded to the City of Apalachicola under the Small Communities Sewer Construction Assistance Program for repayment of loans made to the City of Apalachicola for construction of a wastewater treatment facility.

(26) Notwithstanding the provisions of section 403.709(2)(e), Florida Statutes, funds provided in Specific Appropriation 156 of the 1994-1995 General Appropriations Act may be used for general mosquito control. Moneys allocated to the Solid Waste Management Trust Fund from the collection of waste tire fees shall be transferred to the Department of Agriculture and Consumer Services' General Inspection Trust Fund for this purpose. Of the funds transferred from the Solid Waste Management Trust Fund to the Department of Agriculture and Consumer Services for aid to local government for mosquito control \$428,598 shall not be restricted by the provisions of section 403.709(2)(e), Florida Statutes, and shall be used for local aid for mosquito and arthropod control approved pursuant to section 388.261, Florida Statutes.

(27) Notwithstanding any provision of law to the contrary, \$3,000,000 shall be transferred from the Public Facilities Conversion Revolving Trust Fund in the Department of Management Services to unallocated general revenue.

(28) The Department of Management Services may use up to \$100,000 of the General Revenue Funds provided in specific appropriation 1954A of chapter 93-184, Laws of Florida, to relocate an existing playground that is currently located at the proposed site of the Lee Davis Regional Service Center - Tampa.

(29) Notwithstanding the provisions of sections 376.11-376.21, Florida Statutes, or other provisions of law to the contrary, \$70,000 may be loaned from the Coastal Protection Trust Fund to the Greater Tampa Bay Marine Advisory Council for the specific purpose of funding the on-line measurement of tides in Tampa Bay. Since the Port of Tampa is one of the two leading importers of oil products in the state, it is the intent of the Legislature that the advisory council pursue fed-

eral funding for the ongoing operation of this program. When federal funds are received for the on-line measurement of tides in Tampa Bay for part or all of the 1993-1994 state fiscal year, the advisory council shall repay any loan made pursuant to this section.

Section 5. EDUCATION (NON-PECO).—

(1) The Commissioner of Education shall have the authority to compute a statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program (FEFP) calculation. The commissioner shall adjust the required local effort millage rate of each district that produces more than 90 percent of its total FEFP entitlement to a level that will produce only 90 percent of its total FEFP entitlement.

(2) The maximum total weighted full-time equivalent student enrollment for each school district shall be calculated using the procedure set forth in section 236.081(1)(d), Florida Statutes, and shall be adjusted by including for each district the grades K-8 basic summer school enrollment in group 2.

(3) If the requirements of chapters 228 through 237, Florida Statutes, prevent the orderly implementation of the provisions of chapter 90-49, Laws of Florida, such laws and related rules are hereby waived for fiscal year 1994-1995. Each developmental research school shall report each situation that required the school to waive any law or rule to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee established by section 228.054, Florida Statutes. The committee shall use the waiver report to carry out its responsibilities as provided in section 228.054(2)(d), Florida Statutes. The committee shall submit a report to the Legislature, on or before January 15, 1995, regarding the rules or laws that are waived and recommendations related to actions necessary in order to provide for compliance with chapter 90-49, Laws of Florida.

(4) Notwithstanding the provisions of sections 215.91, 215.92, 215.93, 215.94, and 110.116, Florida Statutes, the State University System shall develop a personnel system consistent with the intent of sections 215.91 and 110.116, Florida Statutes. The State University System shall develop this system to meet the payroll system requirements of the Department of Banking and Finance and the informational requirements of the Florida Fiscal Accounting Management Information System (FFAMIS) decision support system and shall be an integral part of the statewide data base established pursuant to proviso in the State University System budget in the 1994-1995 General Appropriations Act.

(5) Notwithstanding the provisions of section 240.605(5)(a), Florida Statutes, financial assistance payments for private tuition assistance in fiscal year 1994-1995 shall increase as provided in the 1994-1995 General Appropriations Act.

(6) Notwithstanding the provisions of sections 240.257(4)(a), Florida Statutes, each state university shall be eligible to match any of the funds in the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts. The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching as specified for the particular challenge grant and the amount of the private donations actually received by the state university for the respective challenge grant.

(7) Notwithstanding the provisions of section 231.15(3), Florida Statutes, or any other provision of law to the contrary, the fee for certification or renewal of certification required by that section for fiscal year 1994-1995 shall be \$56.

(8) Unless specifically authorized in law, the provisions of section 216.346, Florida Statutes, shall not apply to general revenue contracts appropriated to the developmental research schools within the state system of public education.

(9) The Alternative Education Institute shall select the provider of education services under a competitive bidding process that must be completed by October 1, 1994. The contract provider of education services shall clearly establish an ability to plan, design, and operate a juvenile education residential facility for at least 500 juvenile offenders who have been prosecuted as adults or been adjudicated delinquent or had adjudication for delinquency withheld for serious felony offenses.

(10) Notwithstanding the provisions of section 28 of CS/CS/CS/SB 1018, 1994 Regular Session, the Auditor General shall conduct a performance audit of the Division of Blind Services of the Department of Education and submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Republican Leaders of the Senate and House of Representatives by January 1, 1995. The report shall include, but not be limited to, recommendations on where the quality of services to the blind citizens of the state can be best provided and also recommendations on the following:

(a) Assignment of the Library for Blind Services in Daytona Beach to the Division of Library and Information Services of the Department of State, to some other agency, or co-located with client services for the blind.

(b) Assignment of client services for the blind to the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, as a separate division of the Department of Labor and Employment Security, to the Department of Health and Rehabilitative Services, to some other agency, or to the Department of Education.

(c) Assignment of the vending facility program to the Department of Management Services, to some other agency, or co-located with client services for the blind.

(d) Services for blind citizens that can be privatized without diminishing the current level of or violating federal laws and regulations that govern such services.

(11) Notwithstanding any other provision of law to the contrary, the Department of Education may contract for the 1994 cost-of-living market basket survey pursuant to the contract executed for the survey as provided in the request for proposals issued by the Executive Office of the Governor dated February 5, 1992.

(12) Notwithstanding the provisions of section 320.0808(3), Florida Statutes, 50 percent of the Challenger license plate annual use fee shall be deposited into the Center for Space Education Trust Fund. Such funds shall be used to support operations of the Center for Space Education and the Education Technology Institute. These operations shall include preservice and inservice training in the use of technology for Florida's instructional personnel in a manner consistent with state training programs. Up to 20 percent of the funds received from the Center for Space Education Trust Fund may be expended for administrative costs directly associated with the operation of the Center for Space Education.

(13) Notwithstanding the provisions of section 236.081(12), Florida Statutes, the funds raised from the additional 0.25 mills of nonvoted discretionary taxes and the state funds required to guarantee \$50 per FTE shall not be included in the calculation of the 2.55-percent minimum guaranteed level of funding for fiscal year 1994-1995.

(14) Notwithstanding the provisions of part I of chapter 287, Florida Statutes, the Department of Education is authorized to enter into codevelopment agreements to implement section 233.255, Florida Statutes, with funds from specific appropriation 535 of the General Appropriations Act for fiscal year 1994-1995 and any other funds which may be used for this purpose.

(15) The required local effort millage for fiscal year 1994-1995 for the Sarasota County School District shall be calculated pursuant to section 236.25(1), Florida Statutes, and used in the calculation of the Florida Education Finance Program for fiscal year 1994-1995. Notwithstanding the provisions of section 236.25(1), Florida Statutes, the required local effort millage calculated pursuant to section 236.25(1), Florida Statutes, for fiscal year 1994-1995 for the Sarasota County School District shall be reduced by the amount that will reduce the taxes collectible by the amount of \$14,824,890, less the amount of interest included in this sum and less \$225,000 for litigation. The millage after reduction shall be certified to the district as its certified required local effort millage which shall be levied for fiscal year 1994-1995.

(16) Notwithstanding the provisions of sections 229.592(4)(c) and 24.121(5)(d), Florida Statutes, if a district school board adopts a specific calendar for the purpose of improving the quality of school improvement plans developed pursuant to section 230.23(18), Florida Statutes, it may request the Commissioner of Education to approve a date other than July 1 as the deadline for the school board's annual approval of new, amended, or continuation school improvement plans. If the commissioner agrees that the board's specific school improvement plan calendar and its explanation of why a later date for the school board's annual approval will improve school improvement plans and student performance, the commissioner may approve the school board's request; provided, however, that the deadline date for the school board's approval shall not be later than September 1.

(17) Notwithstanding the provisions of section 229.592, Florida Statutes, the authorization for the abeyance or waiver of statutes enumerated in subsection (6) of that section shall remain in effect until July 1, 1995.

(18)(a) The Knott Data Center and Projects, Contracts, and Grants Programs under the management of the Department of Education are exempt from the requirements of section 216.023, Florida Statutes. The Department of Education, in consultation with the legislative appropriations committees, shall approve an estimated level of expenditures, salary rates, and positions for the Knott Data Center and for Projects, Contracts, and Grants Programs. If such expenditures exceed the prior year level by more than 10 percent, the full membership of the legislative appropriations committees shall be notified of the increase.

(b) No new state appropriations shall be obligated as a source of matching funds for potential federal or private contracts or grants. Upon termination of any federal or private contracts or grants, the state shall not be obligated to provide continued funding for personnel or project costs related to such contracts or grants.

(19) Notwithstanding any provision of CS/CS/SB 68, CS/SB 2012, or similar legislation, 1994 Regular Session, to the contrary, funds provided in specific appropriation 528 of the General Appropriations Act for fiscal year 1994-1995 for Safe Schools shall be allocated and used consistent with the proviso included for that specific appropriation.

(20) Pursuant to section 255.2501(1), Florida Statutes, the Board of Regents, on behalf of Florida State University, is authorized to enter into a contract, the term of which may be more than 5 years, to lease space in the Don Fuqua Research Complex, Building III, in the Leon County Research and Development Park, contingent upon being awarded a contract for an archeological research station for the Southeastern United States for the United States Park Service, a contract for the International Research Institute for Climatic Prediction, and grants and under the following terms and conditions:

(a) The space shall be for new or expanded contract and grant activities that are to be funded entirely from the contracts and grants, including rental payments.

(b) The construction of the project to be leased must be competitively bid or competitively negotiated.

(c) Rental payments for debt service shall not exceed the amount necessary to retire the bond proceeds used for the actual cost of the construction as set forth in the contract with the general contractor, site work, professional design costs, construction reserves, including interest costs during construction, initial equipment and the maintenance fees, utility costs, and other charges and assessments normally charged to other tenants in the park.

(d) The rental payments may also include an amount necessary to amortize bond issuance charges and other development costs, the total of both not to exceed \$250,000.

(e) The building rental charges to the university shall be reduced by the amount of the debt service payment after the debt has been retired, contingent upon the university continuing to use the facility for the purposes consistent with the laws governing activities of the park.

(21) The vote by a district school board to levy all or any part of the 0.25 supplemental nonvoted discretionary millage authorized in specific appropriation 528 of the General Appropriations Act for fiscal year 1994-1995 shall be a separate vote distinct from any other action.

(22) Notwithstanding any provision of law to the contrary regarding the structure of the Department of Education, the Commissioner of Education may reorganize the department as necessary to implement the education accountability policies in Blueprint 2000. To accomplish this reorganization, the commissioner is hereby authorized to establish, abolish, or consolidate bureaus, sections, and subsections and to reallocate duties and functions within the department in order to promote effective and efficient operation of the department. Notwithstanding the provisions of section 216.292, Florida Statutes, authorized positions and appropriations may be transferred from one budget entity to another as required to implement the reorganization. The commissioner shall not increase the total number of positions allocated in this subsection or implement organized changes in violation of this subsection. The commissioner shall not establish, abolish, or consolidate bureaus, sections, and subsections after December 31, 1994, unless such action is ap-

proved by the Department of Management Services or by law. The commissioner shall provide quarterly reports on reorganization to the President of the Senate, the Speaker of the House of Representatives, the Republican Leaders of the Senate and House of Representatives, and the chairs of the education and appropriations committees of the Legislature.

(23) Notwithstanding the provisions of section 236.25(2), Florida Statutes, during the 1994-1995 fiscal year, district school boards may use revenue from unobligated discretionary capital improvement millage to fund one-time nonrecurring expenditures that provide instructional materials for each classroom. Such expenditures may include consumable and nonconsumable instructional supplies, materials, textbooks, and equipment. It is the intent of the Legislature that this provision not be contained in implementing bills for fiscal years 1995-1996 and thereafter.

(24)(a) The Commissioner of Education shall authorize a maximum of 40 public schools to participate in pilot programs to use a simplified method of funding exceptional student education. The funding method shall not be based on categorical eligibility but, rather, on an assessment of the students' need for services. The funding level may not exceed the level of funding provided for the same students under the Florida Education Finance Program. The public schools conducting the pilot programs must include elementary, middle, and high schools and must be located in a sample of large, medium-sized, and small school districts representing different geographic areas of the state. The pilot programs shall operate during the 1994-1995 school year.

(b) The schools shall assess the needs of each exceptional student taking part in the pilot program according to the following criteria:

1. Curricular, environmental, and technological adaptations;
2. Behavioral and social needs;
3. Physical independence;
4. Health care needs; and
5. Communication and adaptations needed.

Support services necessary for the exceptional students must be provided as indicated in their individual education plans.

(c) The Department of Education is authorized to waive applicable statutes and rules for schools and school districts participating in the pilot programs.

(25) Notwithstanding the provisions of section 215.425, Florida Statutes, and any other law to the contrary, each university within the State University System is authorized to implement the individual salary incentives, authorized by proviso related to Specific Appropriation 424, chapter 93-184, Laws of Florida, which provide for a \$5,000 increase in the base salary of each recipient, retroactively to the beginning of the 1993-94 academic year. This subsection shall take effect upon this act becoming a law.

Section 6. PUBLIC EDUCATION CAPITAL OUTLAY (PECO).—

(1) In order to accommodate the reductions in the amounts of Public Education Capital Outlay (PECO) funds projected in the immediate future, it is the intent of the Legislature to focus the use of PECO funds in the fiscal year 1994-1995 budget on the provision of direct instruction facilities. Notwithstanding the provisions of section 235.196, Florida Statutes, during fiscal year 1994-1995 the Commissioner of Education:

(a) May not accept any applications for new community educational facilities or applications to renovate or remodel existing community educational facilities; and

(b) May not include requests for funds for community educational facilities in the fiscal year 1995-1996 legislative capital outlay budget request as provided in section 235.41, Florida Statutes, in excess of those amounts required to continue or complete such projects that received legislative appropriations in fiscal year 1994-1995.

(2) Notwithstanding the proviso for specific appropriation 1924 of chapter 88-555, Laws of Florida, the funds included in that specific appropriation for the Holmes County and Nassau County School Boards shall not be counted toward the total state effort required.

(3) The required funds that the Dixie County School Board was scheduled to repay to the Special Facilities Construction Account of the Public Education Capital Outlay and Debt Service Trust Fund in fiscal year 1994-1995 shall be delayed for 1 year. The school board is not released from or reduced in the total amount of the repayment agreed to in the original board resolution presented to the state.

(4) Pursuant to sections 235.055 and 240.327, Florida Statutes, and notwithstanding the provisions of section 332.08, Florida Statutes, Miami-Dade Community College and Metropolitan Dade County may enter into a 40-year lease agreement for certain real property at Homestead Air Force Base. The community college has permission to construct a classroom building with federal and other non-PECO funds. The community college has permission to acquire from Metropolitan Dade County building 775 at Homestead Air Force Base for its aviation programs.

(5) Notwithstanding any law to the contrary, any loan made pursuant to section 215.18, Florida Statutes, to the Board of Regents for Florida International University for the purpose of restoring the university campus to conditions existing before Hurricane Andrew may extend beyond the 1993-1994 fiscal year and until such time as reimbursements and appropriations are available to repay the loan.

(6) Notwithstanding the provisions of section 216.301(3), Florida Statutes, Specific Appropriation 1940 JT/Monroe County Schools - Tavernier partial (p) \$106,875 and Specific Appropriation 1947 - section 235.195, Florida Statutes, Monroe District School Board/Florida Keys Community College classroom facility (p,c) \$71,250 contained in chapter 93-185, Laws of Florida, shall not revert until February 1, 1996.

Section 7. OTHER.—

(1) Notwithstanding the provisions of section 216.181, Florida Statutes, the Executive Office of the Governor, for an agency, and the Chief Justice of the Supreme Court, for the judicial branch, may approve changes in the amounts appropriated from state trust funds in excess of those in the approved operating budget

when necessary to conduct the business of the state. Any actions under the authority granted by this section shall be consistent with the other provisions of chapter 216, Florida Statutes, and shall be subject to the notice and review requirements established in section 216.177, Florida Statutes. The Executive Office of the Governor and the Chief Justice shall maintain an accounting of the number of and reasons for these changes, in a format prescribed by the Appropriations Committees of the Legislature, and shall provide the accounting to either legislative appropriations committee upon the request of its chair.

(2) In the event of a financial emergency requiring modification of a collective bargaining agreement, the chief executive officer or his representative and the bargaining agent or its representative shall meet as soon as possible to negotiate the impact of the financial emergency.

(3)(a) Notwithstanding the provisions of section 282.305, Florida Statutes, the Information Resource Commission shall, in addition to the responsibilities listed in that section, examine and develop recommendations for the streamlining of data centers and other computing facilities, including measures to manage excess capacity at multiple facilities and provide for standardization and fewer facilities, and shall submit those recommendations by January 1, 1995, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(b) If any payment to the Information Resource Commission contemplated in section 1(c) of the 1994-1995 General Appropriations Act is unpaid by August 31, 1994, the Comptroller shall promptly transfer the funds upon certification thereof by the Department of Management Services. Disputes regarding payments shall be resolved by the Comptroller in a manner consistent with section 216.177, Florida Statutes, and shall not be subject to the provisions of chapter 120, Florida Statutes.

(4)(a) Notwithstanding the provisions of chapters 55 and 57, Florida Statutes, or any other provision of law to the contrary, no state agency, as defined in section 216.011(1)(kk), Florida Statutes, or branch of government in this state shall pay for any goods or services which are under dispute or for any prejudgment interest, costs, or attorney's fees for any contractor, as defined in section 287.012(6), Florida Statutes, arising from any contract or from any judgment arising from any contract for resources requiring review pursuant to section 287.073, Florida Statutes, if the contract contains provisions regarding dispute resolution that have not been followed by the contractor.

(b) No state agency, as defined in section 216.011(1)(kk), Florida Statutes, or branch of government in this state shall enter into any contract for resources requiring review pursuant to section 287.073, Florida Statutes, if the contractor, as defined in section 287.012(6), Florida Statutes, is suing, or has a judgment against, any state agency or branch of government in this state arising from any contract for resources requiring review pursuant to section 287.073, Florida Statutes, if the contract contained provisions regarding dispute resolution that were not followed by the contractor. This paragraph does not apply to the contract with the Department of Education involving the student financial aid program.

(c) It is the intent of the Legislature that this subsection shall apply to all pending contracts for all state agencies and branches of government in this state except those contracts for which a final judgment has been entered which applies to such

contract, which awards damages, prejudgment interest, attorney's fees, or costs, and from which no appeal has been taken as of the effective date of this act.

(5) Section 7 of chapter 92-350, Laws of Florida, is amended to read:

Section 7. Any unobligated balance remaining within the Hurricane Andrew Recovery and Rebuilding Trust Fund on June 30, ~~1996~~ 1995, shall be transferred to the Working Capital Fund.

Section 8. 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 9. Except as otherwise provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 1994, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto. This act shall expire and be void and inoperative on July 1, 1995.

Approved by the Governor June 16, 1994.

Filed in Office Secretary of State June 16, 1994.

CHAPTER 94-359

Committee Substitute for House Bill No. 591

An act relating to Rosewood, Florida; directing the Florida Department of Law Enforcement to conduct investigations; requiring a report to the Legislature; appropriating funds to compensate Rosewood families for property damage; appropriating funds to compensate former residents, including Arnett T. Goins, Minnie L. Langley, Willie Evans, and Wilson Hall; providing for the establishment of a state university scholarship fund for Rosewood families; continue the Rosewood research and development of materials; providing an effective date.

WHEREAS, during the month of January 1923, the African-American community of Rosewood, Florida, was destroyed, and

WHEREAS, the African-American residents of Rosewood, Florida, sustained personal and property damages, and

WHEREAS, The Rosewood Massacre was a unique tragedy in Florida's history in that the State and local government officials were on notice of the serious racial conflict in Rosewood during the entire week of January 1, 1923, and had sufficient time and opportunity to act to prevent the tragedy, and nonetheless failed to act to prevent the tragedy; an entire town was destroyed and its residents killed or fled, never to return; and the State and local government officials thereafter failed to reasonably investigate the matter, failed to bring the perpetrators to justice and failed to secure the area for the safe return of the displaced residents; and

WHEREAS, a hearing was held by the Special Master of the House of Representatives, and Arnett T. Goins, Minnie Lee Langley, Willie Evans, and Wilson Hall have shown by a preponderance of the evidence that they were present and directly affected by the violence that took place at Rosewood in January, 1923, and that they each suffered compensable damages of at least \$150,000.

WHEREAS, the State of Florida recognizes an equitable obligation to redress the injuries sustained as a result of the destruction of Rosewood, Florida, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The Florida Department of Law Enforcement is hereby directed to investigate the crimes committed in and around Rosewood, Florida, in 1923, to determine if any criminal prosecutions may be pursued, and to report its findings to the Legislature.

Section 3. The amount of \$500,000 is appropriated from the General Revenue Fund to the Office of the Attorney General for the purpose of compensating the African-American families of Rosewood, Florida, who demonstrate real property and personal property damages sustained as a result of the destruction of Rosewood, Florida, in 1923. The Attorney General is authorized to compensate each eligible family in the amount of \$20,000, and, upon a finding by the Attorney General that the present-day value of real and personal property loss exceeds \$20,000, the Attorney General may settle such property claims up to the amount of \$100,000.

Section 4. Any African-American resident from Rosewood, Florida, living upon the effective date of this act, who was present and affected by the violence that took place at Rosewood in January, 1923, and was evacuated the week of January 1, 1923, shall be eligible for a payment of compensation from the State of Florida of up to \$150,000. The Attorney General shall identify and locate eligible individuals by using records already in possession of the State of Florida and by giving notice in the newspaper as provided in Chapter 50. The identification and location of all eligible individuals shall be completed within 6 months of the effective date of this act or December 31, 1994, whichever is later. Failure to be identified and located by the end of the designated time period shall preclude an eligible individual from receiving payment under this section. The individual seeking compensation must provide the Attorney General with reasonable proof of eligibility and the extent of their damages. Upon receipt of reasonable proof of the individual's eligibility and extent of damages, the Attorney General shall notify the Comptroller of the individual's name, eligibility, and amount of compensation not to exceed \$150,000. There is hereby appropriated \$1.5 million from the General Revenue Fund to implement this section. If funds are insufficient to provide maximum compensation to each eligible individual the comptroller may pro-rate available funds and make a partial award to each eligible individual. Any unused appropriations in this section shall revert to the Working Capital Fund.

Section 5. (1) There is created a Rosewood Family Scholarship Fund for minority persons with preference given to the direct descendants of the Rosewood families, not to exceed 25 scholarships per year.

(2) The Rosewood Family Scholarship Fund shall be administered by the Department of Education. The State Board of Education shall adopt rules for administering this program which shall at a minimum provide for the following:

(a) The annual award to a student shall be up to \$4,000 but should not exceed an amount in excess of tuition and registration fees.

(b) If funds are insufficient to provide a full scholarship to each eligible applicant, the department may prorate available funds and make a partial award to each eligible applicant.

(c) The department shall rank eligible initial applicants for the purposes of awarding scholarships with preference being given to the direct descendants of the Rosewood families. The remaining applicants shall be ranked based on need as determined by the Department of Education.

(d) Payment of an award shall be transmitted in advance of the registration period each semester on behalf of the student to the president of the university or community college, or his representative, or to the director of the area vocational-technical school which the recipient is attending.

(3) Beginning with the 1994-95 academic year, the department is authorized to make awards for undergraduate study to students who:

(a) Meets the general requirements for students eligibility as provided in s. 240.404, except as otherwise provided in this section;

(b) Files an application for the scholarship within the established time limits;

(c) Enrolls as a certificate-seeking or degree-seeking student at a public university, community college or area vocational-technical school authorized by law.

Section 6. The state university system shall continue the research of the Rosewood incident and the history of race relations in Florida and develop materials for the educational instruction of these events.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor May 4, 1994.

Filed in Office Secretary of State May 4, 1994.

CHAPTER 94-360

Senate Bill No. 36

An act relating to road designations; designating a portion of Highway U.S. 1 in Brevard County as the "Johnson-Grogan Highway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

WHEREAS, law enforcement officers are required to put their lives on the line each day in the performance of their duties, and

WHEREAS, law enforcement officers perform an indispensable function in our society in maintaining order and in rendering assistance to citizens in danger, and

WHEREAS, Gerald Johnson and Ronald Grogan were law enforcement officers who responded to a shooting at the Winn Dixie/Publix Shopping Plazas with reported dead or wounded civilians, and while performing their duties to the citizens of Palm Bay, both officers became victims themselves and were shot and killed by the shooter, William Cruse, and

WHEREAS, the community of Palm Bay will sorely miss these officers and shares a deep sense of loss with the police department and the family and friends of Officers Gerald Johnson and Ronald Grogan, and

WHEREAS, it is fitting and appropriate that the Legislature join the citizens of Brevard County in honoring these brave men who gave their lives for their community, NOW, THEREFORE,

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

Section 1. That portion of Highway U.S. 1 in Brevard County from the Melbourne city limits to the south city limits of Palm Bay is hereby designated as the "Johnson-Grogan Highway."

Section 2. The Department of Transportation is directed to erect suitable markers designating the "Johnson-Grogan Highway" as described in section 1.

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

Became a law without the Governor's approval March 12, 1994.

Filed in Office Secretary of State March 11, 1994.

CHAPTER 94-361

Senate Bill No. 74

An act relating to road designations; designating a portion of State Road 222 as the "Veterans Memorial Highway"; designating a portion of State Road 312 as "Ron Parker Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. State Road 222 from I-75 to the Gainesville Regional Airport, is hereby designated as the "Veterans Memorial Highway."

Section 2. State Road A1A in St. Augustine Beach from State Road 312 to the city's southern boundary at the Sandpiper subdivision is hereby designated as "Ron Parker Boulevard."

Section 3. The Department of Transportation is hereby directed to erect suitable markers designating the Veterans Memorial Highway as described in section 1 and Ron Parker Boulevard as described in section 2.

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

Approved by the Governor March 28, 1994.

Filed in Office Secretary of State March 28, 1994.

CHAPTER 94-362

Committee Substitute for House Bill No. 75

An act relating to road designations; designating a portion of West Flagler Street in Miami as "Mayor General Ignacio Agramonte y Loynaz Roadway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. (1) That portion of West Flagler Street from S.W. 27th Avenue to S.W. 42nd Avenue is hereby designated as the "Mayor General Ignacio Agramonte y Loynaz Roadway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Mayor General Ignacio Agramonte y Loynaz Roadway" as described in subsection (1).

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor March 28, 1994.

Filed in Office Secretary of State March 28, 1994.

CHAPTER 94-363

House Bill No. 1079

An act relating to road designation; designating the portion of State Road 39 from Interstate Highway 4 in Hillsborough County to United States Highway No. 301 in Pasco County as the Paul S. Buchman Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

WHEREAS, Paul S. Buchman was born June 5, 1923, in Tampa and died October 9, 1991, in Lakeland, and

WHEREAS, Mr. Buchman attended Hillsborough County schools, was graduated from Plant City High School, the University of Florida, and the University of Florida College of Law, and

WHEREAS, Mr. Buchman served in the United States Army, including combat in Normandy and in the Rhineland, and was awarded the Purple Heart Medal, the Bronze Star Medal, and the Combat Infantry Badge, and

WHEREAS, Mr. Buchman began private law practice in October 1948, being a sole practitioner from 1948 through 1979, a partner in Buchman and Buchman from 1979 to 1985, and a shareholder in that firm from 1985 until his death, and

WHEREAS, Mr. Buchman was appointed City Attorney for Plant City in January 1949, and

WHEREAS, Mr. Buchman was appointed by Governor Askew and later by Governor Graham as a member of the Florida Advisory Council on Intergovernmental Relations where he served for many years, and

WHEREAS, Mr. Buchman was instrumental in the establishment of the Plant City Housing Authority and served as its executive director from 1956 through 1984 and as its attorney until his death, and

WHEREAS, Mr. Buchman served as Chairman of the Local Government Law Committee and the Local Government Law Section of The Florida Bar, and

WHEREAS, Mr. Buchman was an active member of the Hillsborough County Bar Association, the American Bar Association, the National Institute of Municipal Law Officers, the American Judicature Society, the Ridge League of Municipalities, the Florida League of Cities, and the Florida Association of Housing and Redevelopment Officials, and

WHEREAS, Mr. Buchman was the author of several publications on taxation, confidentiality, municipal franchises, and other legal issues, and

WHEREAS, Mr. Buchman was the recipient of many honors for his civic contributions, NOW, THEREFORE,

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

Section 1. That the portion of State Road 39 from Interstate Highway 4 near Plant City in Hillsborough County to United States Highway No. 301 in Zephyrhills in Pasco County is designated as the "Paul S. Buchman Highway."

Section 2. The Department of Transportation is directed to erect suitable markers designating the "Paul S. Buchman Highway."

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

Approved by the Governor March 28, 1994.

Filed in Office Secretary of State March 28, 1994.

CHAPTER 94-364

House Bill No. 1213

An act relating to bridge designations; designating a bridge on State Road 79 in Bay County as the "B. V. Buchanan Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

WHEREAS, Mr. B. V. Buchanan served as a Bay County Commissioner from 1949 to 1960 and represented all of the citizens of Bay County in an exemplary manner, and

WHEREAS, the Bay County Board of County Commissioners has expressed the desire that the bridge on State Road 79 in Bay County be dedicated to Mr. Buchanan in recognition of his many contributions to the community, and

WHEREAS, it is fitting and appropriate for the Florida Legislature to recognize the outstanding and dedicated public service performed by Mr. B. V. Buchanan, NOW, THEREFORE,

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

Section 1. The West Bay/Intracoastal Waterway Bridge on State Road 79 in Bay County is hereby designated as the "B. V. Buchanan Bridge." The Department of Transportation is directed to erect suitable markers designating the B. V. Buchanan Bridge as described in this section.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval March 15, 1994.

Filed in Office Secretary of State March 14, 1994.

CHAPTER 94-365

Senate Bill No. 34

An act relating to building designation; designating a new building of the Department of Highway Safety and Motor Vehicles as the "B.J. Thomas - Kenneth E. Flynt Building"; directing the department to erect suitable markers; providing an effective date.

WHEREAS, Lieutenant Benedict J. Thomas, who was known as "B.J.", was born May 24, 1957, and became a member of the Florida Highway Patrol May 1, 1978, and

WHEREAS, on June 9, 1989, while on duty and working traffic on Interstate 75 in Hillsborough County, Lieutenant Thomas stopped to check an abandoned vehicle, and

WHEREAS, when Lieutenant Thomas turned to walk back to his patrol car, he was struck and killed by a passing vehicle, and

WHEREAS, Trooper Kenneth E. Flynt, who was known as Kenney, was born May 19, 1923, and became a member of the Florida Highway Patrol October 15, 1956, and

WHEREAS, on January 1, 1976, while Trooper Flynt was at his home in Apollo Beach, an armed robbery took place next door, and one victim fled and ran to Trooper Flynt's home for help, and

WHEREAS, when Trooper Flynt opened the door, the robber shot Trooper Flynt point blank and killed him, and

WHEREAS, in memory of these members of the Florida Highway Patrol and in honor of their service to the State of Florida, NOW, THEREFORE,

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

Section 1. The new Florida Highway Patrol station of the Department of Highway Safety and Motor Vehicles, which building is located at 11305 Malcolm McKinley Drive in Tampa, is named the "B.J. Thomas - Kenneth E. Flynt Building" in honor of former Lieutenant Benedict J. Thomas and former Trooper Kenneth E. Flynt.

Section 2. The Department of Highway Safety and Motor Vehicles is directed to erect suitable markers designating the "B.J. Thomas - Kenneth E. Flynt Building" as described in section 1.

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

Approved by the Governor April 8, 1994.

Filed in Office Secretary of State April 8, 1994.

CHAPTER 94-366

Senate Bill No. 2360

An act related to the designation of state buildings; designating the equine teaching hospital of the College of Veterinary Medicine at the University of Florida as the Alec P. and Louise H. Courtelis Equine Teaching Hospital; authorizing the University of Florida to erect appropriate markers; naming the building that houses the Department of Marine Science on the Saint Petersburg Campus of the University of South Florida the "Knight Oceanographic Research Center"; directing the Board of Regents of the Division of Universities of the Department of Education to erect suitable markers; authorizing and directing the Board of Regents to rename the Administration Building on the Florida Atlantic University Boca Raton Campus as the "Kenneth R. Williams Administration Building"; providing an effective date.

WHEREAS, Alec P. Courtelis, a businessman and former chairman of the Board of Regents, distinguished himself in service to this state and the State University System by providing leadership in establishing the state matching funds program for private contributions for university facilities, and

WHEREAS, Louise H. Courtelis, with unflagging commitment to the cause of animal care and research, provided the vision and leadership to create the tangible support needed to enhance facilities of the College of Veterinary Medicine, and

WHEREAS, it is appropriate that these loyal, faithful, effective, and distinguished friends of the University of Florida be recognized for their contributions

to the College of Veterinary Medicine, the University of Florida and its students, and the residents of this state, and

WHEREAS, Elsie S. and William W. Knight, Jr., have devoted their lives to the advancement of knowledge about and protection of marine life, and

WHEREAS, in recognition of the vital importance of understanding and protecting Florida's fragile aquatic environment, and to encourage advanced graduate training of promising young marine scientists in the state, the family of Elsie S. and William W. Knight, Jr., established a fellowship endowment of more than one million dollars at the University of South Florida Department of Marine Science, and

WHEREAS, these and other contributions from the family of Elsie S. and William W. Knight, Jr., provided national exposure for the marine science program at the University of South Florida, helping to place it in a position of national prominence, and

WHEREAS, contributions from the family of Elsie S. and William W. Knight, Jr., will significantly impact Florida's ability to address the future of its marine environment, NOW, THEREFORE,

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

Section 1. The Equine Teaching Hospital at the University of Florida College of Veterinary Medicine is designated the Alec P. and Louise H. Courtelis Equine Teaching Hospital.

Section 2. The University of Florida may erect appropriate markers bearing the designation made by this act.

Section 3. The building dedicated to house the marine science program on the Saint Petersburg Campus of the University of South Florida is hereby named the "Knight Oceanographic Research Center."

Section 4. The Board of Regents of the Division of Universities of the Department of Education shall erect appropriate identification markers for the building.

Section 5. (1) The Board of Regents of the Division of Universities of the Department of Education is authorized and directed to rename the Administration Building on the Florida Atlantic University Boca Raton Campus as the "Kenneth R. Williams Administration Building."

(2) The Board of Regents of the Division of Universities of the Department of Education shall erect appropriate identification markers for the buildings described in this section.

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

Approved by the Governor March 30, 1994.

Filed in Office Secretary of State March 30, 1994.

CHAPTER 94-367

Committee Substitute for Senate Bill No. 2776

An act for the relief of Randall Gibson; directing the South Florida Water Management District to appropriate moneys to compensate him for personal injuries sustained as a result of the negligence of the district; providing an effective date.

WHEREAS, on October 14, 1986, Randall Gibson was injured in an airboat accident in the Everglades, and

WHEREAS, suit was brought for Mr. Gibson's injuries against the South Florida Water Management District, and

WHEREAS, the South Florida Water Management District owned and operated the airboat that struck Mr. Gibson, and

WHEREAS, Mr. Gibson lost one of his legs as a result of the airboat accident, and

WHEREAS, the case was fully litigated in the Broward Circuit Court, Case No. 88-15589 CO, and

WHEREAS, upon the jury verdict and application of state law, a final judgment was entered against the South Florida Water Management District and in favor of Mr. Gibson in the amount of \$396,000, and

WHEREAS, the South Florida Water Management District paid \$100,000 of the judgment held by Mr. Gibson because the district invoked sovereign immunity with respect to the remainder of the judgment, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The Governing Board of the South Florida Water Management District is directed to appropriate the sum of \$296,000 to Mr. Randall Gibson as relief for injuries sustained by him as the result of the negligence of the district and to pay that amount to him.

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

Became a law without the Governor's approval May 28, 1994.

Filed in Office Secretary of State May 27, 1994.

CHAPTER 94-368

House Bill No. 567

An act for the relief of Barbara E. A. Smith, widow of Lyman Michael Raymond Smith, deceased; providing an appropriation to compensate her for the death of Lyman Michael Raymond Smith; providing an effective date.

WHEREAS, on January 15, 1992, Petty Officer First Class Lyman Michael Raymond Smith drove off the open span of the Main Street Bridge in Jacksonville, Duval County, Florida, plunging his car into the St. Johns River because the bridge had been raised for maritime traffic, resulting in his death, and

WHEREAS, each of the safety devices on the bridge malfunctioned simultaneously, failing to alert Mr. Smith that the bridge was being raised, and

WHEREAS, the negligent failure of the Department of Transportation to maintain the bridge in a safe condition was the proximate cause of the death of Mr. Smith, and

WHEREAS, suit was filed on behalf of Barbara E. A. Smith as personal representative and surviving spouse against the State of Florida Department of Transportation, and

WHEREAS, the Department of Transportation has admitted liability for the death of Lyman Smith, and

WHEREAS, Barbara Smith has suffered damages as a result of the death of her husband, and

WHEREAS, settlement was reached as a result of mediation for the total payment of \$700,000, and

WHEREAS, pursuant to s. 768.28, Florida Statutes, the Department of Transportation has paid \$200,000 in partial satisfaction of the settlement, its statutory limit under waiver of sovereign immunity provisions, and

WHEREAS, the total remaining due under the settlement is \$500,000, and

WHEREAS, the claimant and the Department of Transportation have mutually agreed to resolve this claim by recommending to the Legislature that the amount of \$500,000 be awarded from funds in the State Treasury, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$500,000 is appropriated out of funds in the State Treasury to the credit of the Department of Transportation and not otherwise appropriated to be paid to Barbara E. A. Smith as relief for the damages resulting from the death of her husband, Lyman Michael Raymond Smith, due to the negligence of the Department of Transportation.

Section 3. The Comptroller is directed to draw a warrant in favor of Barbara E. A. Smith in the sum of \$500,000 upon funds in the State Treasury to the credit

of the Department of Transportation and the State Treasurer is directed to pay the same out of such funds in the State Treasury not otherwise appropriated.

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

Became a law without the Governor's approval May 13, 1994.

Filed in Office Secretary of State May 12, 1994.

CHAPTER 94-369

House Bill No. 1097

An act for the relief of Jerry Bronstein; providing an appropriation to compensate him for payments owed him by the Department of Health and Rehabilitative Services; providing an effective date.

WHEREAS, in 1987, the Department of Banking and Finance issued two warrants to Jerry Bronstein from funds of the Department of Health and Rehabilitative Services, and

WHEREAS, warrant #2137841 was issued to Mr. Bronstein on May 13, 1987, in the amount of \$130, and warrant #2080553 was issued to Mr. Bronstein on May 6, 1987, in the amount of \$4,129.90, and

WHEREAS, the funds paid to Mr. Bronstein in the warrants were payment for office supplies purchased by the Department of Health and Rehabilitative Services from Comet Office Supply Products, of which Jerry Bronstein was president, and

WHEREAS, Comet Office Supply Products closed and liquidated, and Jerry Bronstein moved to New Jersey, and

WHEREAS, because of this, the state was unable to locate Mr. Bronstein and, consequently, was never able to present the warrants, and

WHEREAS, after a period of one year, the warrants payable to Jerry Bronstein were rescinded by the Comptroller's Office, and

WHEREAS, though the Comptroller's Office had the authority to reissue warrants within a 2-year period, the warrants were not reissued, and on June 13, 1990, the funds were returned to the Department of Health and Rehabilitative Services by voucher #C29992, and

WHEREAS, section 17.26(4), Florida Statutes, allows an individual who is owed funds by the State of Florida to petition the Legislature for payment of such funds, and

WHEREAS, the amount owed Jerry Bronstein by the State of Florida is \$4,259.90, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$4,259.90 is appropriated out of funds in the State Treasury to the credit of the Department of Health and Rehabilitative Services and not otherwise appropriated to be paid to Jerry Bronstein as compensation for payments owed him by the Department of Health and Rehabilitative Services.

Section 3. The Comptroller is directed to draw his warrant in favor of Jerry Bronstein in the sum of \$4,259.90 upon funds in the State Treasury to the credit of the Department of Health and Rehabilitative Services and the State Treasurer is directed to pay the same out of such funds in the State Treasury not otherwise appropriated.

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

Became a law without the Governor's approval May 14, 1994.

Filed in Office Secretary of State May 13, 1994.

CHAPTER 94-370

Committee Substitute for House Bill No. 2197

An act for the relief of Robin Driggers Williams and Kenneth E. McFarlin; providing an appropriation to compensate them for damages sustained as a result of the wrongful death of their daughter, Jennifer Driggers, due to the negligence of the Department of Education and the Florida School for the Deaf and the Blind; providing an effective date.

WHEREAS, on October 13, 1988, nine-year-old Jennifer Driggers, a multi-handicapped and profoundly deaf student enrolled at the Florida School for the Deaf and the Blind, died as a result of traumatic injuries sustained from scalding hot water in a shower at the school dormitory, and

WHEREAS, as a result of Jennifer Driggers' tragic death, on October 31, 1988, the Governor of the State of Florida issued Executive Order #88-229, which directed the Florida Department of Health and Rehabilitative Services, the Florida School for the Deaf and the Blind, and the Florida Department of Law Enforcement to conduct comprehensive investigations regarding the death of Jennifer Driggers and review of the school, and

WHEREAS, the Spring-term, 1988 Grand Jury in the Circuit Court of the Seventeenth Judicial Circuit in and for St. Johns County, Florida, issued its report and findings on December 9, 1988, and

WHEREAS, the investigations revealed that Jennifer Driggers' death may have been prevented by the presence of a greater number of custodial caretakers, and that recommendations were made to increase the number of dormitory parents in order to ensure a more appropriate number of staff-to-student ratio, and

WHEREAS, it was the conclusion of the grand jury that Jennifer Driggers died, in part, as a result of "inadequate custodial care and an environment in which she may not have belonged," and

WHEREAS, the multiple investigations resulted in recommendations for improving the physical plant and custodial care of the school in order to prevent the recurrence of deficiencies which contributed to the tragic death of Jennifer Driggers, and

WHEREAS, Robin Driggers Williams and Kenneth E. McFarlin still grieve the loss of their daughter and will permanently suffer extreme mental anguish over her tragic death, and

WHEREAS, Robin Driggers Williams and Kenneth E. McFarlin could not have taken any action to prevent the death of their daughter, Jennifer Driggers, and

WHEREAS, as a matter of law, a consent judgment was agreed to by the Board of Trustees of the Florida School for the Deaf and the Blind of the Department of Education, State of Florida, and entered on March 30, 1993, in the amount of \$700,000 for the wrongful death of Jennifer Driggers, and

WHEREAS, the State of Florida Department of Insurance has paid \$200,000 of that judgment, and

WHEREAS, the Board of Trustees of the Florida School for the Deaf and the Blind of the Department of Education, State of Florida, have stipulated that a factual basis exists for this claim and agreed to a final settlement in the amount of \$500,000, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$500,000 is appropriated out of funds in the State Treasury to the credit of the Department of Education and not otherwise appropriated to be paid to Robin Driggers Williams and Kenneth E. McFarlin as relief for injuries and damages sustained.

Section 3. The Comptroller is directed to draw his warrant in favor of Robin Driggers Williams and Kenneth E. McFarlin in the sum of \$500,000 upon funds in the State Treasury to the credit of the Department of Education and the State Treasurer is directed to pay the same out of such funds in the State Treasury not otherwise appropriated.

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

Became a law without the Governor's approval June 3, 1994.

Filed in Office Secretary of State June 2, 1994.

RESOLUTIONS AND MEMORIALS

Senate Joint Resolution No. 2606

A joint resolution proposing an amendment to Section 3 of Article III of the State Constitution, relating to the date on which regular sessions of the Legislature are to convene.

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

That the following amendment to Section 3 of Article III of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election, and, if approved, shall take effect upon such approval:

ARTICLE III
LEGISLATURE

SECTION 3. Sessions of the legislature.—

(a) ORGANIZATION SESSIONS. On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) REGULAR SESSIONS. ~~In 1991, a regular session of the legislature shall convene on the first Tuesday after the first Monday in March. In 1992 and thereafter, A regular session of the legislature shall convene on the first Tuesday after the first Monday in March ~~February~~ of each odd-numbered year, and on the first Tuesday after the first Monday in March ~~February~~, or such other date as may be fixed by law, of each even-numbered year.~~

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) LENGTH OF SESSIONS. A regular session of the legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) ADJOURNMENT. Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) ADJOURNMENT BY GOVERNOR. If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

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

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 3

START OF REGULAR SESSIONS OF THE LEGISLATURE.—Proposing an amendment to the State Constitution, effective upon approval, to provide that the annual 60-day regular sessions of the Legislature begin on the first Tuesday after the first Monday in March.

Filed in Office Secretary of State May 13, 1994.

House Joint Resolution No. 2053

A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 21 of Article XII of the State Constitution relating to state revenue limitation.

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

That the amendment to Section 1 of Article VII and the creation of Section 21 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1994:

ARTICLE VII

FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues

allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

ARTICLE XII

SCHEDULE

SECTION 21. State revenue limitation.—The amendment to Section 1 of Article VII limiting state revenues shall take effect January 1, 1995, and shall first be applicable to state fiscal year 1995-1996.

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

LIMITATION ON STATE REVENUE COLLECTIONS

Limits state revenue collections to the prior year's allowed revenue plus an adjustment for growth based on the growth rate of state personal income over the preceding five years, with excess collections deposited in the budget stabilization fund until fully funded and then refunded to taxpayers. Defines "state revenues." Allows the Legislature to increase this limit by 2/3 vote. Requires adjustment of the limitation to reflect transfers of responsibility for funding governmental functions.

Filed in Office Secretary of State May 18, 1994.

Senate Concurrent Resolution No. 14

A concurrent resolution designating Collier County as Purple Martin Capital of Florida.

WHEREAS, the Purple Martin is a sleek bird of grace and agility, ranging in size from 7 1/2 to 8 1/2 inches, and is the largest of the swallow family, and

WHEREAS, the Purple Martin spends the winter in Brazil and migrates to South Florida around the first of January, when it starts its breeding and nesting period, and

WHEREAS, each year, when the Purple Martins return from their winter grounds, one of the first places they generally appear in the United States is Collier County, Florida, and

WHEREAS, flocks numbering anywhere from 10,000 to 100,000 martins have been seen in the Naples area in years past, and

WHEREAS, Purple Martins represent a great balance in nature as they live almost exclusively on mosquitoes and other flying insects, and

WHEREAS, Collier County has the only organization in Florida expressly formed to promote Purple Martins, and

WHEREAS, the Conservancy Purple Martin Society has prepared information to show residents how to attract and provide nest sites for Purple Martins, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That Collier County be designated as Purple Martin Capital of Florida.

Filed in Office Secretary of State April 25, 1994.

Senate Concurrent Resolution No. 3172

A concurrent resolution extending the 1994 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the sixty days of the 1994 Regular Session of the Florida Legislature will expire on April 8, 1994, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the 1994 Regular Session of the Florida Legislature is extended until 11:59 p.m., Saturday, April 16, 1994, under the authority of Article III, Section 3(d) of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) Senate Bill 2800 and House Bill 2221, the general appropriations bills; the Senate and House Conference Committee Report thereon, and related implementing measures;

(2) Senate Bill 2802 and House Bill 2223, the appropriations implementing bills;

(3) Health care issues;

(4) CS/Senate Bill 68 and House Bill 2381, relating to juvenile justice and youthful offenders; and

(5) Everglades.

BE IT FURTHER RESOLVED that all other measures in both houses are hereby indefinitely postponed.

BE IT FURTHER RESOLVED that, upon adjournment Friday, April 8, 1994, either house may reconvene upon the call of its presiding officer.

Filed in Office Secretary of State April 8, 1994.

House Concurrent Resolution No. 1-Org.

A concurrent resolution providing that the House of Representatives and Senate convene in joint session for the purpose of receiving a message from the Governor.

WHEREAS, His Excellency, Governor Lawton Chiles, has expressed a desire to address the Legislature in Joint Session; NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the House of Representatives and the Senate convene in Joint Session in the chamber of the House of Representatives at 11:00 a.m. this day, February 8, 1994, for the purpose of receiving the message of the Governor.

Filed in Office Secretary of State March 11, 1994.

House Concurrent Resolution No. 67-C

A concurrent resolution providing for amendment of Joint Rule One, Joint Rules of the Senate and House of Representatives, relating to lobbyist registration and reporting; revising registration requirements; providing definitions; requiring committee appearance records; revising the method of registration; revising fees; revising reporting periods; providing categories, expenditure valuation procedures, and types of reports; revising exemptions from reporting; revising the method for requesting opinions regarding registration; providing for informal opinions; revising open records provisions; providing for records retention and inspection; providing for implementation.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

Section 1. Rule One of the Joint Rules of the Senate and House of Representatives is amended to read:

Rule One

Lobbyist Registration and Reporting
Lobbying

1.1 Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Joint Legislative Management Committee. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means a lobbyist who is appointed by the principal to file the Consolidated Expenditure Report.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services which arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

Any person who appears before a member, a committee, or staff of the Legislature to express support for or opposition to any legislation must register with the Joint Legislative Management Committee, unless that person:

(1) Is a member of the Legislature;

(2) Is employed by the Legislature and is authorized in writing to appear;

(3) Appears solely in his individual capacity and so declares during that appearance;

(4) Appears on behalf of an organization or business entity in which he is an officer, partner, or member, or by which he is regularly employed, and receives no salary or compensation for that appearance other than reasonable and ordinary travel expenses, and so declares during that appearance; or

(5) Appears as a witness or for the purpose of providing information at the written request of the chairman of the committee, the subcommittee, or legislative delegation.

1.2 Method of Registration; Periodic Reports Required

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Joint Legislative Management Committee, on which that person he must state, under oath, that person's his name, and business address, and phone number, the name and business address of each principal that person he represents, the areas of that person's his legislative interest, and the extent of any direct business association or partnership that person he has with any member of the Legislature. The Joint Legislative Management Committee or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Joint Legislative Management Committee in writing within 15 days.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal has one lobbyist registered, another lobbyist for that principal shall not be allowed to register until one of the lobbyists has been appointed by the principal in writing to the Joint Legislative Management Committee as the principal's designated lobbyist for expenditure reporting. A principal may appoint its first registered lobbyist as the designated lobbyist upon that lobbyist's registration and may change its designated lobbyist at any time.

(4)(2) In addition, Each person who registers must submit quarterly semiannually to the Joint Legislative Management Committee, on forms furnished by the committee, a signed and certified statement listing all lobbying expenditures and sources of funds for those expenditures as required in Joint Senate and House Rule 1.4. Reporting statements shall be filed on April 15, July 15, October 15, and January 15 of each year and shall include the expenditures for the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The reporting statement filed on January 15 shall also include cumulative totals for the previous calendar year. A reporting statement shall be considered timely filed if it is postmarked by the specified date. A request for an extension of time may be filed with the Joint Legislative Management Committee, on forms provided by the committee. The request for an extension must be signed and indicate that expenditures were incurred for the reporting period. An extension of 75 days shall be automatically granted as long as an extension request is filed by the date the reporting statement is due. To obtain an extension for a Consolidated Expenditure Report, the designated lobbyist must request the extension, and the extension shall cover all reports necessary to prepare the Consolidated Expenditure Report. A statement covering the period from January 1 through June 30 must be filed by July 15 of that year, and a statement covering the period from July 1 through December 31 must be filed by January 15 of the succeeding year. These statements should not include expenditures for the registrant's lodging, meals, or travel. A statement need not be filed for a each reporting period even if no expenditures have been made during that reporting period. However, the registrant shall certify in the report due January 15 that there were no expenditures during any reporting period for which a report was not filed. Reporting statements, when feasible, may be filed by electronic means.

(5)(3) The Joint Legislative Management Committee shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6)(4) The Joint Legislative Management Committee shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of ss. 112.3148 and 112.3149, Florida Statutes, relating to reporting and prohibited receipt of gifts and honoraria.

1.3 Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual a-biennial registration fee to the Joint Legislative Management Committee. The annual period runs from January 1 to December 31. These fees must should be paid at the time of registration; provided, however, these persons who have already registered with the House or Senate for the current session shall pay their fees prior to March 4, 1991, to avoid registering again.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Game and Fresh Water Fish Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

~~(a) Any person who receives no compensation for his appearances other than reasonable reimbursement for his travel and meal expenses.~~

~~(b) Any governmental official elected in the State of Florida.~~

~~(c) Two employees of each state agency who are designated in writing by the head of the agency.~~

~~Persons who are not required to register under Joint Senate and House Rule 1.1, but who choose to do so, shall pay a processing fee of \$10.00 per house per biennium.~~

(3)(2) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the Joint Legislative Management Committee. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Joint Legislative Management Committee. The fees collected by the Joint Legislative Management Committee under this joint policy shall be deposit-

ed in the State Treasury and credited to the appropriation for legislative expenses specifically to cover the costs incurred in administering this joint policy.

1.4 Periodic Reports Required

(1) MANNER OF REPORTING.—All lobbying expenditures shall be reported on an Individual Lobbyist's Expenditure Report or a Consolidated Expenditure Report. An "expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category. Expenditures shall be accounted for and reported on either a cash or accrual accounting basis. The basis selected shall be designated in the space provided on the applicable expenditure report and shall be the basis consistently used, during the entire calendar year, for reporting quarterly and annual expenditures.

(2) GOODWILL EXPENDITURES.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(3) EXPENDITURE CATEGORIES.—The categories of expenditures used in this rule are as follows:

(a)1. "Communications" means dissemination of information, including, but not limited to, by means of the following:

a. Audio-visual materials; and

b. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

2. This category does not include media advertising, publications, or research.

(b) "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

(c) "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

(d) "Lodging" means sleeping or living accommodations for an individual for one or more nights.

(e) "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

(f) "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

(g) "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

(h) "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

(i) "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

(j) "Travel" means transporting an individual from one place to another, regardless of the means used.

(4) ITEMS THAT ARE NOT EXPENDITURES.—The term "expenditure" does not include:

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

(b) A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

(c) If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(5) VALUATION OF EXPENDITURES.—

(a) In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

(b) The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

(c) When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

(d) When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

(e) The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

(f) A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 20 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of s. 112.3148(7), Florida Statutes.

(g) A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

(h) Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(6) INDIVIDUAL LOBBYIST'S EXPENDITURE REPORT.—

(a) When a principal has only one lobbyist, the lobbyist shall file quarterly, as provided in Joint Senate and House Rule 1.2, an Individual Lobbyist's Expenditure Report on forms provided by the Joint Legislative Management Committee. The report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the quarter shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events;

and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The report filed on January 15 shall contain cumulative totals for the calendar year.

(b) A lobbyist shall file an Individual Lobbyist's Expenditure Report for each principal represented, unless a Consolidated Expenditure Report is required to be filed for that principal.

(7) CONSOLIDATED EXPENDITURE REPORT.—

(a) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing the Consolidated Expenditure Report. Every lobbyist so designated shall file quarterly, as provided in Joint Senate and House Rule 1.2, a Consolidated Expenditure Report on forms provided by the Joint Legislative Management Committee. The Consolidated Expenditure Report shall include the name of the principal and the names of all of the lobbyists for that principal. A cumulative total by the expenditure categories of Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other shall be provided for all lobbyists on the report. The Consolidated Expenditure Report filed on January 15 shall contain cumulative totals for the calendar year.

(b) Each lobbyist identified on the Consolidated Expenditure Report must provide an Individual Lobbyist's Expenditure Report to the designated lobbyist, who shall attach all the Individual Lobbyist's Expenditure Reports for that principal, including the Individual Lobbyist's Expenditure Report of the designated lobbyist, to the Consolidated Expenditure Report. The designated lobbyist is responsible for attaching each Individual Lobbyist's Expenditure Report to the Consolidated Expenditure Report and completing the Consolidated Expenditure Report. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal; however, the principal is responsible for the accuracy of the figures submitted to the designated lobbyist by the principal. The designated lobbyist is not responsible for the failure of another lobbyist to provide the Individual Lobbyist's Expenditure Report to the designated lobbyist and is not responsible for the contents of any Individual Lobbyist's Expenditure Report submitted by another lobbyist.

(c) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal on the Consolidated Expenditure Report. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

1.5 1-4 Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Joint Legislative Management Committee as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under s. 11.045(4), Florida Statutes, may revise any informal opinion

rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of the respective house designated pursuant to s. 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with s. 11.045(4), Florida Statutes as to whether they are required to register may request an opinion from the Speaker of the House or the President of the Senate.

1.6 1-5 Open Records

All of the lobbyist registration and expenditure reports received by the Joint Legislative Management Committee records shall be available for public inspection; and for duplication at reasonable cost.

1.7 Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

Section 2. In order to implement Rule One of the Joint Rules of the Senate and House of Representatives, as amended by this concurrent resolution:

(1) For the period from July 1, 1993, to September 30, 1993, the statement of expenditures required by s. 11.045, Florida Statutes (1991), shall be filed no later than January 15, 1994. For the period from October 1, 1993, to December 31, 1993, the applicable lobbyist report shall be filed as provided in Joint Senate and House Rule 1.4; however, cumulative totals are not required for calendar year 1993.

(2) Until January 1, 1995, the annual fee is \$50 per each house of the Legislature for a person to register to represent a principal and an additional \$10 per house for each additional principal that the person registers to represent.

(3) For persons who have paid the registration fee for the period July 1, 1992, to June 30, 1994, the registration is valid through June 30, 1994, and those persons may renew their registration for calendar year 1994 at a rate of one-half the rate specified in subsection (2). Those renewal registrations expire on December 31, 1994.

(4) All persons who were required to register under Joint Senate and House Rule One as it existed on October 1, 1993, and who registered between that date and the date of adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, but who, under the revisions to Joint Senate and House Rule One by this concurrent resolution are no longer required to register, may, within 14 days after adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, withdraw from registration and receive a refund of all fees paid.

(5) All persons who were not required to register under Joint Senate and House Rule One as it existed on October 1, 1993, but who are required to register under the revisions to Joint Senate and House Rule One by this concurrent resolution, are given until January 1, 1994, to comply with the registration requirements of this rule.

Filed in Office Secretary of State November 10, 1993.

House Concurrent Resolution No. 129-C

A concurrent resolution providing for adjournment of the special session of the Legislature for more than 72 hours in accordance with the provisions of Art. III, s. 3(e) of the Florida Constitution.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That in accordance with the provisions of subsection (e) of Section 3 of Article III of the Florida Constitution, the special session of the Legislature convened on Monday, November 1, 1993, is hereby adjourned on Friday, November 5, 1993, to reconvene at 2:00 p.m., Tuesday, November 9, 1993.

Filed in Office Secretary of State November 8, 1993.

House Concurrent Resolution No. 2273

A concurrent resolution providing that the House of Representatives and the Senate convene in joint session for the purpose of meeting with the Florida Congressional delegation.

WHEREAS, the Florida Senate and Florida House of Representatives desire to meet in joint session together with members of the Florida Congressional delegation, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the House of Representatives and the Senate convene in Joint Session in the chamber of the House of Representatives at 10:00 a.m., February 21, 1994, for

the purpose of receiving and meeting with members of the Florida Congressional delegation.

Filed in Office Secretary of State March 11, 1994.

Senate Memorial No. 1818

A memorial to the Congress of the United States urging it to adopt legislation to end the practice of imposing unfunded federal mandates.

WHEREAS, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and their political subdivisions, and

WHEREAS, the Federal Government has reduced or eliminated funding for certain programs administered at the state or local government level, and

WHEREAS, the several states, unlike the Federal Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates, and

WHEREAS, the State of Florida, recognizing the inequity of passing unfunded mandates on its political subdivisions, amended its Constitution in November 1990 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Legislature of the State of Florida funds those mandates or provides a funding source, and

WHEREAS, federal mandates accompanied by federal funding, matching funds, or no funding force states to initiate and fund programs which the states would not otherwise have instituted and inevitably lead to the states' funding of such programs in their entirety, and

WHEREAS, the imposition of federal mandates is an erosion of the principle of state's rights, the effect of which is to limit decisionmaking at the state level and to force mandatory spending which consumes a greater portion of the state's budget and seriously limits that portion which is discretionary, and

WHEREAS, the State of Florida along with other states would be able to better fulfill its budgetary obligations were the Federal Government restricted in its policy of arbitrarily increasing state costs with respect to federally mandated activities and services, and

WHEREAS, imposing the cost of congressional programs upon states and political subdivisions is a pusillanimous means for Congress to avoid its responsibility to deal with the federal budget issues, and

WHEREAS, Congress must face the same difficult decisions faced by state and local governments, and if a program is not worthy of full funding, perhaps it is not worthy of enactment, NOW, THEREFORE,

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

That the Congress of the United States is requested to adopt legislation to end the practice of imposing unfunded federal mandates on state and local governments and to fully fund those mandates that are deemed worthy.

BE IT FURTHER RESOLVED that this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Filed in Office Secretary of State April 25, 1994.

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Alphabetical
1990 Official Florida State and Federal Census

(Total of 67 counties—12,937,926)

| <i>County</i> | <i>Population</i> | <i>County</i> | <i>Population</i> |
|------------------------|-------------------|----------------------|-------------------|
| Alachua | 181,596 | Lake | 152,104 |
| Baker | 18,486 | Lee | 335,113 |
| Bay | 126,994 | Leon | 192,493 |
| Bradford | 22,515 | Levy | 25,923 |
| Brevard | 398,978 | Liberty | 5,569 |
| Broward | 1,255,488 | Madison | 16,569 |
| Calhoun | 11,011 | Manatee | 211,707 |
| Charlotte | 110,975 | Marion | 194,833 |
| Citrus | 93,515 | Martin | 100,900 |
| Clay | 105,986 | Monroe | 78,024 |
| Collier | 152,099 | Nassau | 43,941 |
| Columbia | 42,613 | Okaloosa | 143,776 |
| Dade | 1,937,094 | Okeechobee | 29,627 |
| DeSoto | 23,865 | Orange | 677,491 |
| Dixie | 10,585 | Osceola | 107,728 |
| Duval | 672,971 | Palm Beach | 863,518 |
| Escambia | 262,798 | Pasco | 281,131 |
| Flagler | 28,701 | Pinellas | 851,659 |
| Franklin | 8,967 | Polk | 405,382 |
| Gadsden | 41,105 | Putnam | 65,070 |
| Gilchrist | 9,667 | St. Johns | 83,829 |
| Glades | 7,591 | St. Lucie | 150,171 |
| Gulf | 11,504 | Santa Rosa | 81,608 |
| Hamilton | 10,930 | Sarasota | 277,776 |
| Hardee | 19,499 | Seminole | 287,529 |
| Hendry | 25,773 | Sumter | 31,577 |
| Hernando | 101,115 | Suwannee | 26,780 |
| Highlands | 68,432 | Taylor | 17,111 |
| Hillsborough | 834,054 | Union | 10,252 |
| Holmes | 15,778 | Volusia | 370,712 |
| Indian River | 90,208 | Wakulla | 14,202 |
| Jackson | 41,375 | Walton | 27,760 |
| Jefferson | 11,296 | Washington | 16,919 |
| Lafayette | 5,578 | | |

Numeric
1990 Official Florida State and Federal Census

(Total of 67 counties—12,937,926)

| <i>County</i> | <i>Population</i> | <i>County</i> | <i>Population</i> |
|--------------------|-------------------|------------------|-------------------|
| Dade | 1,937,094 | Highlands | 68,432 |
| Broward | 1,255,488 | Putnam | 65,070 |
| Palm Beach | 863,518 | Nassau | 43,941 |
| Pinellas | 851,659 | Columbia | 42,613 |
| Hillsborough | 834,054 | Jackson | 41,375 |
| Orange | 677,491 | Gadsden | 41,105 |
| Duval | 672,971 | Sumter | 31,577 |
| Polk | 405,382 | Okeechobee | 29,627 |
| Brevard | 398,978 | Flagler | 28,701 |
| Volusia | 370,712 | Walton | 27,760 |
| Lee | 335,113 | Suwannee | 26,780 |
| Seminole | 287,529 | Levy | 25,923 |
| Pasco | 281,131 | Hendry | 25,773 |
| Sarasota | 277,776 | DeSoto | 23,865 |
| Escambia | 262,798 | Bradford | 22,515 |
| Manatee | 211,707 | Hardee | 19,499 |
| Marion | 194,833 | Baker | 18,486 |
| Leon | 192,493 | Taylor | 17,111 |
| Alachua | 181,596 | Washington | 16,919 |
| Lake | 152,104 | Madison | 16,569 |
| Collier | 152,099 | Holmes | 15,778 |
| St. Lucie | 150,171 | Wakulla | 14,202 |
| Okaloosa | 143,776 | Gulf | 11,504 |
| Bay | 126,994 | Jefferson | 11,296 |
| Charlotte | 110,975 | Calhoun | 11,011 |
| Osceola | 107,728 | Hamilton | 10,930 |
| Clay | 105,986 | Dixie | 10,585 |
| Hernando | 101,115 | Union | 10,252 |
| Martin | 100,900 | Gilchrist | 9,667 |
| Citrus | 93,515 | Franklin | 8,967 |
| Indian River | 90,208 | Glades | 7,591 |
| St. Johns | 83,829 | Lafayette | 5,578 |
| Santa Rosa | 81,608 | Liberty | 5,569 |
| Monroe | 78,024 | | |

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1990 Official Florida State and Federal Census

(Total of 20 Circuits—12,937,926)

| <i>Circuits</i> | <i>Population</i> | <i>Circuits</i> | <i>Population</i> |
|--|-------------------|---|-------------------|
| First—Escambia, Okaloosa, Santa Rosa, and Walton Counties | 515,942 | Eleventh—Dade County | 1,937,094 |
| Second—Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla Counties | 273,632 | Twelfth—DeSoto, Manatee, and Sarasota Counties . . . | 513,348 |
| Third—Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties | 130,166 | Thirteenth—Hillsborough County | 834,054 |
| Fourth—Clay, Duval, and Nassau Counties . . | 822,898 | Fourteenth—Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties | 223,581 |
| Fifth—Citrus, Hernando, Lake, Marion, and Sumter Counties | 573,144 | Fifteenth—Palm Beach County | 863,518 |
| Sixth—Pasco and Pinellas Counties . . . | 1,132,790 | Sixteenth—Monroe County | 78,024 |
| Seventh—Flagler, Putnam, St. Johns, and Volusia Counties | 548,312 | Seventeenth—Broward County | 1,255,488 |
| Eighth—Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties . . | 268,439 | Eighteenth—Brevard and Seminole Counties | 686,507 |
| Ninth—Orange and Osceola Counties | 785,219 | Nineteenth—Indian River, Martin, Okeechobee, and St. Lucie Counties | 370,906 |
| Tenth—Hardee, Highlands, and Polk Counties | 493,313 | Twentieth—Charlotte, Collier, Glades, Hendry, and Lee Counties | 631,551 |

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