CS/SB 94 by **TR, Joyner**; (Identical to H 0363) Disabled Parking Permits

SB 222 by **Detert**; (Similar to H 1057) Reemployment Assistance

448460	D	S	TP	ATD, Latvala	Delete everything after	03/29 04:09 PM

CS/SB 1024 by **CA, CM**; (Similar to CS/H 7007) Department of Economic Opportunity

284028	D	S	RCS	ATD, Latvala	Delete everything after	03/29 04:29 PM

CS/SB 1188 by **GO, Hays**; (Similar to CS/H 0975) Archeological Sites and Specimens

878626	A	S	RS	ATD, Evers	Delete L.24:	03/29 04:29 PM
807324	SA	S	RCS	ATD, Evers	Delete L.24 - 25:	03/29 04:29 PM

CS/SB 1458 by **TR, Brandes**; (Similar to H 7125) Department of Highway Safety and Motor Vehicles

433630	A	S	RCS	ATD, Brandes	Before L.336:	03/29 04:40 PM
212266	A	S	RCS	ATD, Brandes	btw L.420 - 421:	03/29 04:40 PM
776840	A	S	WD	ATD, Brandes	btw L.491 - 492:	03/29 04:40 PM
780262	A	S	RCS	ATD, Sobel	btw L.491 - 492:	03/29 04:40 PM
537550	A	S	RS	ATD, Lee	Delete L.1206 - 1226.	03/29 04:40 PM
839942	SA	S	RCS	ATD, Brandes	Delete L.1110 - 1725.	03/29 04:40 PM
609214	A	S	WD	ATD, Lee	Delete L.1424 - 1432:	03/29 04:40 PM
642866	SA	S	WD	ATD, Brandes	Delete L.1110 - 1725.	03/29 04:40 PM
818276	A	S	RCS	ATD, Gardiner	btw L.2526 - 2527:	03/29 04:40 PM
556300	AA	S	RCS	ATD, Brandes	Delete L.60:	03/29 04:40 PM
247900	A	S	RCS	ATD, Evers	Delete L.2744 - 2746:	03/29 04:40 PM
421682	A	S	RCS	ATD, Margolis	btw L.3961 - 3962:	03/29 04:40 PM
588566	AA	S	RCS	ATD, Brandes	Delete L.5 - 9:	03/29 04:40 PM
263932	A	S	RCS	ATD, Evers	Delete L.5002 - 5095:	03/29 04:40 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT

Senator Gardiner, Chair
Senator Margolis, Vice Chair

MEETING DATE: Wednesday, March 27, 2013
TIME: 9:30 a.m.—12:00 noon
PLACE: *Toni Jennings Committee Room,* 110 Senate Office Building

MEMBERS: Senator Gardiner, Chair; Senator Margolis, Vice Chair; Senators Brandes, Evers, Gibson, Latvala, Lee, Ring, Simpson, Sobel, Stargel, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 94** Transportation / Joyner (Identical H 363)	Disabled Parking Permits ; Removing a provision that requires an applicant to provide a certificate of disability for renewal, etc. TR 01/17/2013 Fav/CS ATD 03/27/2013 Favorable AP	Favorable Yeas 10 Nays 0
2	**SB 222** Detert (Similar H 1057, Compare CS/H 7007, CS/S 1024)	Reemployment Assistance; Transferring the functions of the Reemployment Assistance Appeals Commission to the Department of Economic Opportunity; requiring the Department of Economic Opportunity to create a regional appeal office at each regional workforce board; requiring the tax collection service provider to calculate a certain additional rate; requiring assessments to be available to pay interest on federal advances; requiring certain excess funds to be transferred to the Unemployment Compensation Trust Fund after a certain time period, etc. CM 01/22/2013 Favorable ATD 03/27/2013 Temporarily Postponed AP	Temporarily Postponed
3	**CS/SB 1024** Community Affairs / Commerce and Tourism (Similar CS/H 7007, Compare H 641, H 1057, S 222, CS/S 406, S 494)	Department of Economic Opportunity; Revising requirements for various annual reports submitted to the Governor and Legislature, including the annual report of the Department of Economic Opportunity, the annual report of Enterprise Florida, Inc., and the annual incentives report; revising application requirements for community development block grants and procedures for the ranking of applications and the determination of project funding; requiring the department to impose a penalty against a claimant who is overpaid reemployment assistance benefits due to fraud by the claimant and providing for deposit of moneys collected for such penalties in the Unemployment Compensation Trust Fund, etc. CA 03/07/2013 Fav/CS ATD 03/27/2013 Fav/CS AP	Fav/CS Yeas 11 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**CS/SB 1188** Governmental Oversight and Accountability / Hays (Similar H 975)	Archeological Sites and Specimens; Authorizing the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a water authority; providing that specified activities relating to archaeological sites and specimens located upon land owned by a water authority are prohibited and subject to penalties; authorizing the division to impose an administrative fine on and seek injunctive relief against certain entities, etc. GO 03/21/2013 Fav/CS ATD 03/27/2013 Fav/CS AP	Fav/CS Yeas 12 Nays 0
5	**CS/SB 1458** Transportation / Brandes (Similar H 7125, Compare CS/H 479, CS/H 635, H 1291, S 408, S 1046, S 1054, S 1116)	Department of Highway Safety and Motor Vehicles; Amending provisions relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; requiring that an operator of a motor vehicle yield the furthermost left-hand lane when being overtaken on a multilane highway; establishing a pilot rebuilt motor vehicle inspection program; amending provisions relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level, etc. TR 03/14/2013 Fav/CS ATD 03/27/2013 Fav/CS AP	Fav/CS Yeas 12 Nays 0
6	Proposed draft legislation relating to National Mortgage Settlement Funding		Discussed
7	Review and Discussion of Fiscal Year 2013-2014 Budget Issues relating to: Department of Economic Opportunity Division of Emergency Management, Executive Office of the Governor Department of Highway Safety and Motor Vehicles Department of Military Affairs Department of State Department of Transportation		Discussed
	Other Related Meeting Documents		

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 94

INTRODUCER: Transportation Committee and Senator Joyner

SUBJECT: Disabled Parking Permits and License Plates

DATE: February 5, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	**Fav/CS**
2.	Carey	Martin	ATD	**Favorable**
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 94 authorizes the Department of Highway Safety and Motor Vehicles (the department) to renew a disabled parking permit without a certificate of disability from a physician.

The bill has no fiscal impact on state or local government revenues or expenditures.

The bill amends section 320.0848, Florida Statutes.

II. Present Situation:

The department issues disabled parking permits and disabled license plates to eligible persons with impaired mobility upon application and payment of any applicable fee.

Disabled Parking Permits

Section 320.0848, F.S., authorizes the department and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for up to a period of 4 years to any person with a long-term mobility impairment. Similarly, persons with a temporary

mobility impairment may be issued a temporary disabled parking permit for a period of up to 6 months. The fee for a temporary disabled parking permit is $15.

Any person who unlawfully displays a disabled parking permit that belongs to a disabled person, while occupying a disabled parking space or aisle as defined in s. 553.5041, F.S., and not transporting a disabled person or is using a replica of such parking permit is guilty of a misdemeanor of the second degree.[1]

In order to be issued a disabled parking permit a person must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- The inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- The need to permanently use a wheelchair;
- Lung disease as measured within specified limits;
- Use of portable oxygen;
- A Class III or IV heart condition according to standards set by the American Heart Association; or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certificate of disability must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statutes. However, provisions are made to include certification by similarly-licensed physicians from other states. The certificate of disability must include:

- The disability of the applicant;
- The certifying practitioner's name, address, and certification number;
- The eligibility criteria for the permit;
- Information concerning the penalty for falsification;
- The duration of the condition;
- Justification for any additional parking permit issued;
- A statement on the application in bold letters, "A disabled parking permit may be issued only for a medical necessity that severely affects mobility.";
- Signatures of the applicant, physician or other certifying practitioner, parent or guardian; and
- The employee of the department's authorized agent responsible for processing of the application.

License plates for permanent disability

Any owner or lessee of a motor vehicle residing in Florida who qualifies for a disabled parking permit under s. 320.0848, F.S., may also apply to the department and, upon paying the license tax for a motor vehicle registration under s. 320.08, F.S, and other applicable fees., be issued a

[1] Section 320.0848(7), F.S.

license plate stamped with the international wheelchair user symbol after the serial number of the license plate[2]. The license plate entitles the person all privileges afforded by a disabled parking permit. When more than one registrant is listed on the registration issued under this section, the eligible applicant will be noted on the registration certificate.

2012 Revisions

Chapter 2012-157, Laws of Florida, made several changes to the disabled parking permit provisions, including removing the requirement that all applications for renewal to be accompanied by a current certificate of disability. Other changes included:

- Revising the requirements for renewing or replacing a long-term disabled parking permit and including prohibitions for certain violations;
- Providing for random audits of disabled parking permit holders;
- Requiring the department to develop and implement a system to allow the reporting of abuses of disabled parking permits; and
- Requiring the review of the number of times a permit has been confiscated for fraud or reported stolen or lost.

The department was also required to develop and implement a public awareness campaign regarding how the abuse of disabled parking permits burdens disabled persons, and directed to develop and implement a telephone hotline and form that can be submitted online or by mail to report disabled parking permits abuse.

III. Effect of Proposed Changes:

The bill authorizes the department to renew disabled parking permits to any person certified as permanently disabled. A certificate signed by a physician is no longer necessary in order for permanently disabled persons to renew their parking permit.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[2] Section 320.0843, F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on January 17, 2013:
The CS authorizes the department to renew a disabled parking permit of a person certified as permanently disabled on the application without certification from a physician.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Transportation; and Senator Joyner

596-00759-13 201394c1

A bill to be entitled

An act relating to disabled parking permits; amending s. 320.0848, F.S.; removing a provision that requires an applicant to provide a certificate of disability for renewal; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)

(d) Beginning October 1, 2012, the department shall renew the disabled parking permit of any person certified as permanently disabled on the application ~~if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection~~.

Section 2. This act shall take effect July 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Spoke

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/13
Meeting Date

Topic: SB 94 - Disabled Parking

Bill Number: SB 94 *(if applicable)*

Name: Matt Montgomery

Amendment Barcode: *(if applicable)*

Job Title: Leg Affairs Director

Address: 2999 Apalachee Pkwy
Street

Tallahassee, FL 32399
City *State* *Zip*

Phone: 850-617-3195

E-mail: matthewmontgomery@flhsmv.gov

Speaking: ☐ For ☐ Against ☑ Information

Representing: DHSMV

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/2013
Meeting Date

Topic _____ Bill Number 94 *(if applicable)*

Name BRIAN PITTS Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: [✓] For [ ] Against [✓] Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [ ] Yes [✓] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and Civil Justice, *Vice Chair*
Appropriations Subcommittee on General Government
Ethics and Elections
Health Policy
Judiciary
Transportation

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR ARTHENIA L. JOYNER
19th District

January 17, 2013

Senator Andy Gardiner, Chair
Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations
201 Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Mr. Chair:

This is to request that CS/Senate Bill 94 related to Disabled Parking Permits and License Plates be placed on the agenda for the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Your consideration of this request is greatly appreciated.

Sincerely,

Arthenia L. Joyner

ALJ/rr

REPLY TO:
❒ 508 W. Dr. Martin Luther King, Jr. Blvd., Suite C, Tampa, Florida 33603-3415 (813) 233-4277
❒ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019 FAX: (813) 233-4280

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 222

INTRODUCER: Senator Detert

SUBJECT: Reemployment Assistance

DATE: February 5, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	**Favorable**
2.	Pingree	Martin	ATD	**Pre-meeting**
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 222 makes several changes to the reemployment assistance program, primarily to the process for appealing determinations on reemployment assistance benefit claims. The bill decentralizes the appeals process by creating a local regional appeals office (RAO) in each of the 24 Regional Workforce Boards (RWBs). The bill transfers the functions of the Department of Economic Opportunity (DEO)'s Office of Appeals (with employees located in Tallahassee, Ft. Lauderdale and Jacksonville) to the RWBs. Each RWB will appoint appeals referees that must meet the DEO's qualifications and will be considered employees of the DEO. The bill creates 24 local review panels and eliminates the existing Reemployment Assistance Appeals Commission (RAAC). The local review panels will be comprised of three members of the regional workforce board that are appointed by the chair of the RWB, subject to the board's approval. The review panels will review the decisions of the RWB's appeals referees. The DEO must establish a central appeals office to maintain public records and post final orders of the review panels online. The bill requires the DEO to develop a transition plan that implements these provisions by October 1, 2013.

Implementing the changes to decentralize the process for appealing determinations on reemployment assistance benefit claims is expected to have a significant fiscal impact to the DEO. The DEO projects that an additional 44 full-time positions and $3.2 million of recurring funds will be needed to implement the bill (assuming that $3.5 million of federal funds currently provided to administer the appellate functions performed by the RAAC remain available). Nonrecurring costs include, but are not limited to, approximately $18 million to make the necessary modifications to the Reemployment Assistance Claims and Benefits System ("Project Connect"), and approximately $1.1 million to cover nonrecurring expenses, including staff

training. The DEO does not anticipate that additional federal funds will be available to cover these projected costs ($22.3 million).

Effective July 1, 2013, the bill also:

- Creates a limitation and an exception for the current work search requirements. The bill provides that the claimant may not count the same prospective employer at the same location more than once during his or her claim as proof of work search efforts, unless the employer indicates that it is hiring after the claimant's initial contact. An exception to proof of work search requirements is provided for claimants that are participating in Reemployment and Eligibility Assessments.
- Provides specific examples of conduct that constitute "misconduct" that may disqualify an individual for reemployment assistance benefits. Examples include, but are not limited to: willful damage to an employer's property; theft of the property of the employer or a customer or invitee of the employer; failure to maintain a license, registration, or certification required by law that is necessary for work; and committing criminal assault or battery on another employee.
- Provides that an additional assessment on employers will not be made if the amount on deposit from assessments made in previous years, plus any earned interest, is at least 80 percent of the estimated amount of the federal interest due on advances. The bill also provides that four months after all advances and associated interest are repaid, any excess assessed funds remaining on deposit, including any associated interest, will be transferred to the Unemployment Compensation Trust Fund.

The U.S. Department of Labor (USDOL) may determine that the bill, if implemented, results in Florida being out of conformity with federal law. If the USDOL does not certify the state's reemployment assistance program, it could withhold all federal funding provided to administer the program and increase the federal unemployment taxes collected from Florida's employers from .6 percent to 6 percent (a 5.4 percent increase) on the first $7,000 of each employee's wages.

The bill substantially amends the following sections of the Florida Statutes: 20.60, 110.205, 120.80, 443.012, 443.0315, 443.036, 443.041, 443.091, 443.101, 443.131, 443.151, 443.1317, 443.141, and 443.171.

II. Present Situation:

Reemployment Assistance Overview

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no fault of their own (as determined under state law) and who meet the requirements of state law.[1] The program is administered as a partnership of the federal government and the states.[2] Each state collects payroll taxes on a quarterly basis to pay reemployment assistance

[1]USDOL, Employment and Training Administration (ETA), State Unemployment Insurance Benefits, available at http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp (last visited 1/13/2013).
[2] There are 53 state programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia.

benefits. The Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).[3] The FUTA collections are distributed to the states to administer state unemployment insurance and job service programs. In addition, during high periods of unemployment, the FUTA pays one-half of the cost of extended unemployment benefits and provides a fund from which states may borrow, if necessary, to pay benefits.[4]

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with the FUTA or Social Security Act requirements. Florida's unemployment insurance program was created by the Legislature in 1937.[5] The program was rebranded as the "reemployment assistance program" in 2012.[6] The Department of Economic Opportunity (DEO) is responsible for administering Florida's reemployment assistance (RA) laws, primarily through its Division of Workforce Services. The DEO contracts with the Florida Department of Revenue (DOR) for the collection of unemployment taxes.[7]

State Reemployment Assistance Benefits

A qualified claimant may receive RA benefits equal to 25 percent of wages, not to exceed $6,325 in a benefit year.[8] Benefits range from a minimum of $32 per week to a maximum weekly benefit amount of $275 for up to 23 weeks, depending on the claimant's length of prior employment, wages earned, and the unemployment rate.[9]

To receive RA benefits, a claimant must meet certain monetary and non-monetary eligibility requirements. Key eligibility requirements involve a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.

A claimant must meet certain requirements in order to be eligible for benefits for each week of unemployment. For example, each week an individual is required to contact at least five prospective employers (three prospective employers if the individual resides in a small county) or report to the One-Stop Career Center for reemployment services.[10]

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[3] FUTA is codified at 26 U.S.C. ss. 3301-3311.
[4] USDOL, ETA, Unemployment Insurance Tax Topic, available at http://workforcesecurity.doleta.gov/unemploy/uitaxtopic.asp (last visited 1/13/2013).
[5] Chapter 18402, L.O.F.
[6] Chapter 2012-30, L.O.F.
[7] Section 443.1316, F.S.
[8] Section 443.111(5), F.S. The maximum amount of benefits available is calculated by multiplying an individual's weekly benefit amount by the number of available benefit weeks.
[9] Section 443.111(3), F.S. A benefit week begins on Sunday and ends on Saturday. If the average unemployment rate for the 3 months in the most recent third calendar year quarter is at or below 5 percent, then the maximum weeks of benefits available is 12; for each 0.5 percent that the unemployment rate is above 5 percent, an additional week of benefits becomes available up to 23 weeks at an unemployment rate of 10.5 percent.
[10] See s. 443.091(1), F.S., for the entire list of requirements and exceptions. A "small county" is defined in s. 120.52(19), F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

Disqualification for Reemployment Assistance

Section 443.101, F.S., specifies the circumstances under which an individual would be disqualified from receiving unemployment compensation benefits. For example, an individual is disqualified for voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct connected with the work.[11]

Currently, "misconduct" is defined as:[12]

- Conduct demonstrating conscious disregard of an employer's interests that is outside of reasonable standards of behavior;[13]
- Careless or negligent behavior that manifests culpability or wrongful intent, or shows an intentional and substantial disregard of the employer's interests;
- Chronic absenteeism or tardiness that violates a known policy of the employer or follows a written reprimand or warning due to the absenteeism;
- Willful or deliberate conduct that causes or would cause an employer to be sanctioned or the employer's license or certification to be suspended; or
- Conduct that violates an employer's rule, unless the claimant can show that he or she did not know of the rule, that the rule is unlawful or not related to the job, or that the rule is not fairly or consistently enforced.

It does not matter if the misconduct occurs at the workplace or during working hours for purposes of disqualifying an individual for reemployment assistance benefits.

The statute specifies the duration of the disqualification and the requirements for requalification for an individual's next benefit claim, depending on the reason for the disqualification.

Determinations and Redeterminations

The DEO issues determinations and redeterminations on the monetary and non-monetary eligibility requirements.[14] Determinations and redeterminations are statements by the department regarding the application of law to an individual's eligibility for benefits or the effect of the benefits on an employer's tax account. A party who believes a determination is inaccurate may request reconsideration within 20 days from date the determination was mailed. The DEO must review the information on which the request is based and issue a redetermination.

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[11] An individual is not disqualified for voluntarily leaving temporary work to return to fulltime work or to relocate with his or her military spouse due to relocation orders. An individual who voluntarily quits work for a good *personal* cause not related to any of the conditions specified in the statute will be disqualified from receiving benefits.
[12] Section 443.036(30), F.S.
[13] "Conscious disregard" is not defined. One court characterized the term "conscious disregard of consequences" in a negligence context as being a middle ground between careless disregard of consequences (as in simple negligence) and "the more extreme 'willful or wanton' disregard thereof (as in culpable or criminal negligence)." *Courtney v. Fla. Transformer, Inc.*, 549 So. 2d 1061, 1064 (Fla. 1st DCA 1989).
[14] Section 443.151(3), F.S.

Appeals of DEO Determinations – Office of Appeals

If a party disagrees with either the determination or redetermination, the applicant or employer may request an administrative hearing before an appeals referee. Appeals referees in the DEO's Office of Appeals hold hearings and issue decisions to resolve disputes related to eligibility for unemployment compensation and the payment and collection of unemployment compensation taxes.[15] Special deputies within the Office of Appeals handle appeals related to matters on tax, reimbursement, and liability protests. Generally, an appeal must be filed within 20 days of the determination date.

> Upon receiving an appeal, the Office of Appeals will schedule a hearing involving all interested parties to address the issues. The parties will be mailed a *Notice of Hearing* telling them when the hearing will be held and whether they are expected to participate in-person or by telephone… The parties are expected to present all of their evidence and testimony to the appeals referee, who will then make a decision based only upon the evidence and testimony presented during the hearing. An audio recording of the hearing will be made by the referee. When the hearing is completed, the referee will issue a written decision.[16]

In the 2012 calendar year, there were a total of 116,534 appeals filed, and the Office of Appeals issued 128,968 decisions. Most appeals were filed by applicants (about 74 percent of the filed appeals), but the outcomes of the decisions were evenly split between decisions to pay or deny benefits to the applicants.[17]

Appeals of Appeals Referee Decisions – Reemployment Assistance Appeals Commission

A decision by an appeals referee can be appealed to the Reemployment Assistance Appeals Commission. An appeal must be filed within 20 days of the date of the appeals referee's decision.

The Reemployment Assistance Appeals Commission (commission) is administratively housed in the DEO, but is a quasi-judicial administrative appellate body independent of the DEO.[18] The commission is 100 percent federally funded and consists of a three member panel that is

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[15] Appeals are governed by s. 443.151(4), F.S., and the Administrative Procedures Act, ch. 120, F.S. Information about the Office of Appeals and the appeals process may be found on the DEO website at http://www.floridajobs.org/job-seekers-community-services/reemployment-assistance-center/file-an-appeal (last visited 1/13/2013).

[16] The DEO, "Reemployment Assistance Appeals Process, Reemployment Assistance Appeals Commission," available at http://www.floridajobs.org/job-seekers-community-services/reemployment-assistance-center/reemployment-assistance-appeals-commission/reemployment-assistance-appeals-process (last visited 1/13/2013).

[17] Data from the DEO, "Reemployment Assistance Data, 1st Quarter 2007 through 4th Quarter 2012," January 7, 2013, on file with the Senate Commerce and Tourism Committee. Note, that not all outcomes that award benefits impact an employer's taxes, as some cases find that the former employee separated from work due to reasons not attributable to the employer.

[18] Section 20.60(8), F.S. "The Reemployment Assistance Appeals Commission, authorized by s. 443.012, F.S., is not subject to control, supervision, or direction by the department in the performance of its powers and duties but shall receive any and all support and assistance from the department which is required for the performance of its duties." Information about the commission and the appeals process may be found on the DEO website at http://www.floridajobs.org/job-seekers-community-services/reemployment-assistance-center/reemployment-assistance-appeals-commission (last visited 1/13/2013).

appointed by the Governor, and confirmed by the Senate. It is the highest level for administrative review of contested cases decided by the Office of Appeals referees.

"A party requesting review by the Commission should specify any and all allegations of error with respect to the referee's decision, and provide factual and/or legal support for these challenges. Allegations of error not specifically set forth in the request for review may be considered waived."[19] The commission does not hold a hearing when it reviews the appeal to determine whether the appeals referee's decision was properly supported by the testimony and other evidence presented at the hearing. The commission cannot consider evidence that was not presented to the appeals referee during the previous hearing, unless there is some extraordinary circumstance.

The Reemployment Assistance Appeals Commission can affirm, reverse, or remand the referee's decision for further proceedings.[20] In the 2012 calendar year, there were a total of 14,120 appeals filed with the commission, and the commission issued 14,725 orders – 11,061 final orders and 3,664 orders remanding cases back to the Office of Appeals. Approximately 60 percent of the appeals were filed by claimants. Related to outcomes of the final orders, 38 percent resulted in a decision to pay benefits to a claimant and 62 percent denied benefits.

Appeals of Commission Decisions – Florida District Courts of Appeal

A party to an appeal who disagrees with the commission's order may seek review of the decision in the Florida district courts of appeal.[21] The notice of appeal should be filed either in the district court of appeal in the appellate district in which a claimant resides or the job separation arose or in the appellate district where the order was issued. If the notice of appeal is filed with the commission, then the appeal will be filed in the district court of appeal in the appellate district where the order was issued.

Financing Reemployment Assistance

In Florida, RA benefits are financed solely through contributions by employers – employers pay taxes on the first $8,000 of each employee's wages.[22] The calculation for determining each employer's tax rate is statutorily set, and takes into consideration an employer's "experience" (as former employees collect RA benefits, these benefits are charged to the employer), the balance of the Unemployment Compensation Trust Fund, and other factors.

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[19] See footnote 17.

[20] Appeals remanded back to the appeals referee occur when the commission finds procedural issues that require further hearing; when a party fails to appear for the hearing and requests that the case be reopened (the referee must hold a hearing to determine if the individual had good cause for not appearing); and when a party files a late appeal and requests the commission to direct the appeals referee to accept the late appeal (the commission determines that the appeal was timely filed and a hearing should be held or that additional fact finding is necessary to determine if the appeal was timely filed).

[21] Section 443.151(4)(c), (d), and (e), F.S.

[22] Nonprofit employers may choose to finance compensation through either the contributory method or the reimbursement method. A reimbursing employer is one who must pay the Unemployment Compensation Trust Fund on a dollar-for-dollar basis for the benefits paid to its former employees. The employer is otherwise not required to make payments to the trust fund. See s. 443.1312, F.S. The state and local governments are reimbursing employers. Most employers are contributory employers. The "wage base" is expected to go down to $7,000 in 2015. s. 443.1217(2)(a), F.S.

The Internal Revenue Service charges each liable employer a federal unemployment tax of 6.0 percent on employees' annual wages.[23] If, however, a state program meets the federal requirements and has no delinquent federal loans, employers are eligible for up to a 5.4 percent tax credit, making the net federal tax rate 0.6 percent. Employers file an annual return with the Internal Revenue Service each January for taxes on the first $7,000 of each employee's annual wages during the previous year.

The USDOL provides administrative grants to the DEO from the taxes collected from employers pursuant to the FUTA. These grants are used to fund the operations of the state's program, including processing claims for benefits, collecting state unemployment taxes, conducting appeals, and performing related administrative functions.

Due to the recent high rates of unemployment in Florida, more funds have been paid out of the Unemployment Compensation Trust Fund than have been collected. The trust fund fell into deficit in August 2009, and since that time the state has requested over $2 billion in federal advances in order to continue paying unemployment compensation claims. Through voluntary repayment and partial loss of the federal tax credit, Florida has substantially paid down its debt.[24] It is projected that all federal advances will be repaid by June, 2013.[25]

Federal advances accrue interest on a federal fiscal year basis (October to September), and such interest is due no later than September 30th of each year. The interest rate for 2013 is 2.5765 percent.[26] The Revenue Estimating Conference estimated on January 15, 2013, that the interest due for 2013 will be $9.6 million.[27]

The interest due on advances cannot be paid from funds from the Unemployment Compensation Trust Fund. In order to repay the interest, a state may make an appropriation from general revenue, issue bonds, or impose an assessment on employers.[28] In 2010, the Legislature imposed an additional assessment on employers to pay interest on federal advances.[29]

Section 443.131(5)(b), F.S., sets forth the calculation for the assessment. To determine the additional rate for the assessment, the formula divides the estimated amount of interest owed by 95 percent of total wages paid by employers for the previous year ending June 30. To determine an employer's payment, the formula multiplies an employer's taxable wages by the additional rate. The DOR is required to calculate and bill the assessment prior to February 1 of the year, based upon the interest estimated by the Revenue Estimating Conference. An employer has 5

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[23] 26 U.S.C. s. 3301.

[24] As of January 10, 2013, Florida owed about $647 million. See U.S. Department of Treasury, Bureau of Public Debt, Treasury Direct's Title XII Advance Activities Schedule at http://www.treasurydirect.gov/govt/reports/tfmp/tfmp_advactivitiessched.htm (last visited 1/13/2013).

[25] The most recent forecast by the Revenue Estimating Conference shows repayment of all federal advances by June 2013. On file with the Senate Commerce and Tourism Committee.

[26] The interest rate charged is equal to the fourth calendar quarter yield on the Unemployment Trust Fund for the previous year, capped at 10 percent. See U.S. Department of Treasury, Bureau of Public Debt, Treasury Direct's Unemployment Trust Fund Quarterly Yields at http://www.treasurydirect.gov/govt/rates/rates_tfr.htm (last visited 1/13/2013).

[27] Revenue Estimating Conference forecast, available at http://edr.state.fl.us/Content/revenues/reports/unemployment-compensation-trust-fund/index.cfm (last visited 1/17/2013).

[28] The option of issuing bonds to repay the interest may be unavailable to Florida. See Art. VII, s. 11, Fla. Const.

[29] Section 443.131(5), F.S. Section 4, ch. 2010-1, L.O.F.

months, until June 30th, to pay the assessment. The assessments are paid into the DOR's Audit and Warrant Clearing Trust Fund and may earn interest. Any interest earned is part of the balance available to pay the interest to the federal government.

Florida has paid interest on advances to the federal government, as follows:

- September 2011 – approximately $56 million; and
- September 2012 – approximately $43 million.

Current assessments on deposit total about $8.9 million, not including earned interest.

III. Effect of Proposed Changes:

This bill makes several changes to the reemployment assistance program, primarily to the process for appealing determinations on reemployment assistance benefit claims.

Reemployment Assistance Appeals Process

This bill decentralizes the current appeals process by creating a local regional appeals office (RAO) in each of the 24 Regional Workforce Boards (RWBs).

The Reemployment Assistance Appeals Commission is repealed and its powers, duties, functions, records, and personnel are transferred by a type two transfer to the Department of Economic Opportunity (DEO). (**Section 1**) The bill provides a transition period, requiring the transfer to be complete by October 1, 2013. The DEO is required to develop and implement a transition plan to implement the bill, and the Governor may transfer funds and positions between budget entities upon the approval of the Legislative Budget Commission. Additionally, the Governor and the DEO are directed to work with any federal agencies as necessary to implement the bill. (**Section 2**)

In place of the commission, regional appeal offices are created at each of the state's 24 regional workforce boards. (**Section 3, amends s. 443.012, F.S.**) Regional appeal offices shall house appeals referees and review panels. The DEO is responsible for providing proper facilities and assistance for the regional appeal offices. Employees of the offices shall be employees of the DEO, but shall be appointed by the regional workforce board.

Similar to current law, appeals referees will hear and decide appeals of determinations by the DEO on applicants for benefits. The bill provides that alternates should be appointed in cases where an appeals referee has a conflict of interest. (**Section 3**)

Each regional workforce board is required to appoint three members from the board to serve as the review panel for that area.[30] The review panels will review the decisions of the local appeals referees. Members of the review panels serve staggered terms of two years. The regional workforce board must also appoint a general counsel to assist the review panel in carrying out the appeals process. The general counsel must be admitted to practice law in Florida and must

[30] Section 445.007, F.S., sets forth the requirements for regional workforce board membership.

have a minimum of one year of experience in conducting judicial or administrative hearings or five years of experience in the practice of law. (**Section 3**)

The DEO is directed to establish a central appeal office for the purposes of maintaining records and filing the final orders of the review panels or district courts of appeal online. (**Sections 3 and 4**) The central appeal office may also be used to coordinate the filing of appeals through a central system. (**Section 4, amends s. 443.151, F.S.**)

Appeals are to be filed with the regional appeal office located at the regional workforce board serving the area of the claimant's last principal place of business. Appeals filed incorrectly may be forwarded to the appropriate office upon a timely request. Further, appeals of review panel decisions may be filed at the district court of appeal located where the order was issued. (**Section 4**)

Sections 20.60 (**Section 5**), 110.205 (**Section 6**), 120.80 (**Section 7**), 443.0315 (**Section** 8), 443.036 (**Section 9**), 443.041 (**Section 10**), 443.101 (**Section 12**), 443.151 (**Section 4**), 443.1317 (**Section 14**), 443.141 (**Section 15**), and 443.171 (**Section 16**), F.S., are amended to address references to the commission and make conforming changes.

Work Search Eligibility Requirements

The bill amends the requirements related to work search by claimants in s. 443.091(1)(d), F.S., by creating a limitation and an exception. (**Section 11**)

Under the current law a claimant must engage in a systematic and sustained effort to find work, including contacting at least five prospective employers each week, or three employers if the claimant resides in a small county.[31] The claimant must provide proof of his or her work search efforts to the DEO for each week of benefits claimed. The bill provides that the claimant may not count the same prospective employer at the same location more than once during his or her claim as proof of work search efforts. However, if the employer indicates that it is hiring after the claimant's initial contact, the claimant may count an additional contact with that employer as part his or her proof of work search efforts.

Additionally, the bill creates an additional exception to proof of work search requirements for claimants that are participating in Reemployment and Eligibility Assessments.[32]

[31] An alternative to contacting prospective employers, claimants may also report to the One-Stop Career Center for reemployment services.

[32] REAs are in-person interviews with selected RA claimants to review the claimants' adherence to state eligibility criteria, determine if reemployment services are needed for the claimant to secure future employment, refer individuals to reemployment services, as appropriate, and provide labor market information which addresses the claimant's specific needs. Research has shown that interviewing claimants for the above purposes reduces RA duration and saves RA trust fund resources by helping claimants find jobs faster and eliminating payments to ineligible individuals. Florida administers the REA Initiative through local One-Stop Career Centers. Rule 60BB-3.028, F.A.C., further sets forth information on reemployment services and requirements for participation.

Disqualification for Misconduct

Under current law, an individual may be disqualified from receiving RA benefits for any week in which the DEO finds that he or she was discharged by his or her employer for misconduct.

The bill adds specific examples of "misconduct" to be included in the definition, but the examples are not intended to limit the definition. (**Section 9, amends s. 443.036(30), F.S.**) The examples include:

- Related to conduct demonstrating conscious disregard of an employer's interests:
  - Willful damage to an employer's property that results in damage of more than $50; or
  - Theft of employer property or property of a customer or invitee of the employer.
- Related to conduct that causes sanctions or an employer's license or certification to be suspended:
  - Failure to maintain a license, registration, or certification required by law for the employee to perform his or her duties.
- Related to conduct that violates an employer's rule:
  - Criminal assault or battery on another employee, or on a customer or invitee of the employer; or
  - Abuse or neglect of a patient, resident, disabled person, elderly person, or child in the individual's professional care.

Interest Assessment and Federal Interest Payments

The Revenue Estimating Conference is required to estimate the amount of interest due to the federal government for advances, and the Department of Revenue (DOR) is required to use that estimate to calculate an assessment on employers in order to pay the interest.

The bill amends s. 443.131(5), F.S., to provide that no additional assessment on employers may be made by the DOR if the amount of assessments on deposit from previous years, plus any earned interest, is at least 80 percent of the estimated amount of interest. The bill clarifies that all assessments on deposit and earned interest is available to pay the interest to the federal government. (**Section 13**)

Under current law, any remaining assessments on deposit are to be credited to employer accounts after all federal advances and associated interest due has been paid. The amount to be credited to employers is based upon a calculation that takes into consideration how much the employer paid in assessments that year. It is expected that all federal advances will be repaid this year and the last interest payment will be made in September of this year. The amount of assessments on deposit after the federal interest has been paid is expected to be very minimal, if any at all remains.

The bill provides that 4 months after all advances and associated interest are repaid, any excess assessed funds remaining in the Audit and Warrant Clearing Trust Fund, including any associated interest, will be transferred to the Unemployment Compensation Trust Fund.

The bill provides that s. 443.131(5), F.S., expires on July 1, 2014.

Effective Date

Section 17 provides an effective date of July 1, 2013.

Other Potential Implications:

The U.S. Department of Labor (USDOL) has broad oversight for the reemployment assistance program, including determining whether a state law conforms to federal unemployment insurance law and whether a state's administration of the program substantially complies with processes and procedures approved by the USDOL. States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with the FUTA or the Social Security Act requirements. When a state's law conforms to the requirements of the Social Security Act, the state is eligible to receive federal administrative grants to operate the state's program. When a state's law conforms to the requirements of the FUTA, employers in the state may receive a credit of up to 5.4 percent against the federal unemployment insurance tax rate of 6.0 percent.

The Secretary of USDOL is responsible for determining if a state's unemployment insurance law meets the requirements of federal law. Under the FUTA, the secretary annually certifies the state's compliance with federal requirements and this certification ensures that employers in the state are eligible for the full credit against the federal unemployment insurance tax.

The USDOL may find various provisions of this bill to be out of conformity with federal law. If USDOL made such a finding, then it would not certify the state's reemployment assistance program and could withhold all administrative funding or cause the employer federal tax rates to increase to the total 6.0 percent because of loss of the entire FUTA tax credit. The USDOL has been requested to issue a written opinion on the effects of this bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

To the extent that individuals will be unable to receive reemployment assistance benefits under the bill's changes to provisions relating to eligibility and disqualification, there may be an impact on employer contribution rates.

The transfer of any funds remaining after the final federal interest payment is made to the Unemployment Compensation Trust Fund may have a positive impact on employer contribution rates.

B. Private Sector Impact:

See Tax/Fee Issues.

C. Government Sector Impact:

The bill is expected to have a significant fiscal impact to the Department of Economic Opportunity (DEO). The DEO provided the following estimated costs, segregated by regional workforce board, for the review panels to replace the functions currently performed by the Reemployment Assistance Appeals Commission:[33]

	Closed Commission Appeals FY 2011-2012	Total Estimated FTE	Estimated Total First Year Cost	Estimated Total Recurring Cost
Central Appeals	N/A	2	$97,810	$87,092
RWB 1	59	3	$259,559	$241,070
RWB 2	430	3	$259,559	$241,070
RWB 3	351	3	$259,559	$241,070
RWB 4	84	3	$259,559	$241,070
RWB 5	334	3	$259,559	$241,070
RWB 6	419	3	$259,559	$241,070
RWB 7	520	3	$259,559	$241,070
RWB 8	642	3	$259,559	$241,070
RWB 9	59	3	$259,559	$241,070
RWB 10	774	3	$259,559	$241,070
RWB 11	566	3	$259,559	$241,070

[33] DEO Bill Analysis of SB 222, dated February 28, 2013, received by committee staff on March 1, 2013, on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

RWB 12	1,176	5	$403,791	$373,378
RWB 13	713	3	$259,559	$241,070
RWB 14	1,590	5	$403,791	$373,378
RWB 15	688	3	$259,559	$241,070
RWB 16	557	3	$259,559	$241,070
RWB 17	336	3	$259,559	$241,070
RWB 18	392	3	$259,559	$241,070
RWB 19	74	3	$259,559	$241,070
RWB 20	1,284	5	$403,791	$373,378
RWB 21	358	3	$259,559	$241,070
RWB 22	219	3	$259,559	$241,070
RWB 23	3,906	10	$741,160	$681,540
RWB 24	603	3	$259,559	$241,070
Total	**16,134**	**87**	**$7,241,523**	**$6,710,166**

The DEO estimated that at least one general counsel, one staff attorney, and one administrative support position would be needed to operate higher authority appeals functions in each region.

The USDOL provides annual administrative grants to administer the reemployment assistance program. The DEO indicates that the USDOL is expected to provide $3.5 million to administer higher authority appeals functions. The DEO estimates that it will need an additional $3.7 million of state funds ($3.2 million of which is recurring) to transfer the functions of the RAAC to the review panels in the regional workforce boards. In addition, the DEO estimates that $600,000 of nonrecurring state funds will be needed for staff training. The DEO projects that approximately $18 million of state funds will be needed to make the necessary modifications to the Reemployment Assistance Claims and Benefits System ("Project Connect"). Project Connect is currently scheduled to be fully deployed in December, 2013.

To the extent that decentralizing the process for appealing determinations on reemployment assistance benefit claims results in additional final orders being appealed to the appropriate district court of appeals, the bill may have a significant, but indeterminate, fiscal impact to the State Courts System.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not provide for alternates to be appointed in the case where a review panel member has a conflict of interest.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/29/2013	.	
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	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Effective January 1, 2014, paragraph (a) of subsection (4) of section 443.151, Florida Statutes, is amended to read:

(4) APPEALS.—

(a) Appeals referees.—The Department of Economic Opportunity shall appoint one or more impartial salaried appeals referees in accordance with s. 443.171(3) to hear and decide appealed claims. An appeals referee must be an attorney in good

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13 standing with the Florida Bar, or must be successfully admitted
14 to the Florida Bar within 8 months of his or her date of
15 employment with the department. A person may not participate on
16 behalf of the department as an appeals referee in any case in
17 which she or he is an interested party. The department may
18 designate alternates to serve in the absence or disqualification
19 of any appeals referee on a temporary basis. These alternates
20 must have the same qualifications required of appeals referees.
21 The department shall provide the commission and the appeals
22 referees with proper facilities and assistance for the execution
23 of their functions.
24 Section 2. A person who is an employee of the Department of
25 Economic Opportunity as of the effective date of this act who
26 acts as an appeals referee and who has received the degree of
27 Bachelor of Laws or Juris Doctor from a law school accredited by
28 the American Bar Association, but is not licensed with the
29 Florida Bar, must become successfully admitted to the Florida
30 Bar by September 30, 2014.
31 Section 3. Paragraphs (a) and (e) of subsection (30) of
32 section 443.036, Florida Statutes, are amended to read:
33 443.036 Definitions.—As used in this chapter, the term:
34 (30) "Misconduct," irrespective of whether the misconduct
35 occurs at the workplace or during working hours, includes, but
36 is not limited to, the following, which may not be construed in
37 pari materia with each other:
38 (a) Conduct demonstrating conscious disregard of an
39 employer's interests and found to be a deliberate violation or
40 disregard of the reasonable standards of behavior which the
41 employer expects of his or her employee. Such conduct may

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42 include, but is not limited to, willful damage to an employer's
43 property that results in damage of more than $50; or theft of
44 employer property or property of a customer or invitee of the
45 employer.
46 (e)1. A violation of an employer's rule, unless the
47 claimant can demonstrate that:
48 a.~~1.~~ He or she did not know, and could not reasonably know,
49 of the rule's requirements;
50 b.~~2.~~ The rule is not lawful or not reasonably related to
51 the job environment and performance; or
52 c.~~3.~~ The rule is not fairly or consistently enforced.
53 2. Such conduct may include, but is not limited to,
54 committing criminal assault or battery on another employee, or
55 on a customer or invitee of the employer; or committing abuse or
56 neglect of a patient, resident, disabled person, elderly person,
57 or child in her or his professional care.
58 Section 4. Paragraph (d) of subsection (1) of section
59 443.091, Florida Statutes, is amended to read:
60 443.091 Benefit eligibility conditions.—
61 (1) An unemployed individual is eligible to receive
62 benefits for any week only if the Department of Economic
63 Opportunity finds that:
64 (d) She or he is able to work and is available for work. In
65 order to assess eligibility for a claimed week of unemployment,
66 the department shall develop criteria to determine a claimant's
67 ability to work and availability for work. A claimant must be
68 actively seeking work in order to be considered available for
69 work. This means engaging in systematic and sustained efforts to
70 find work, including contacting at least five prospective

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71 employers for each week of unemployment claimed. The department
72 may require the claimant to provide proof of such efforts to the
73 one-stop career center as part of reemployment services. A
74 claimant's proof of efforts may not include the same prospective
75 employer at the same location for the duration of benefits,
76 unless the employer has indicated since the time of the initial
77 contact that the employer is hiring. The department shall
78 conduct random reviews of work search information provided by
79 claimants. As an alternative to contacting at least five
80 prospective employers for any week of unemployment claimed, a
81 claimant may, for that same week, report in person to a one-stop
82 career center to meet with a representative of the center and
83 access reemployment services of the center. The center shall
84 keep a record of the services or information provided to the
85 claimant and shall provide the records to the department upon
86 request by the department. However:
87 1. Notwithstanding any other provision of this paragraph or
88 paragraphs (b) and (e), an otherwise eligible individual may not
89 be denied benefits for any week because she or he is in training
90 with the approval of the department, or by reason of s.
91 443.101(2) relating to failure to apply for, or refusal to
92 accept, suitable work. Training may be approved by the
93 department in accordance with criteria prescribed by rule. A
94 claimant's eligibility during approved training is contingent
95 upon satisfying eligibility conditions prescribed by rule.
96 2. Notwithstanding any other provision of this chapter, an
97 otherwise eligible individual who is in training approved under
98 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
99 determined ineligible or disqualified for benefits due to

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100 enrollment in such training or because of leaving work that is
101 not suitable employment to enter such training. As used in this
102 subparagraph, the term “suitable employment” means work of a
103 substantially equal or higher skill level than the worker’s past
104 adversely affected employment, as defined for purposes of the
105 Trade Act of 1974, as amended, the wages for which are at least
106 80 percent of the worker’s average weekly wage as determined for
107 purposes of the Trade Act of 1974, as amended.
108 3. Notwithstanding any other provision of this section, an
109 otherwise eligible individual may not be denied benefits for any
110 week because she or he is before any state or federal court
111 pursuant to a lawfully issued summons to appear for jury duty.
112 4. Union members who customarily obtain employment through
113 a union hiring hall may satisfy the work search requirements of
114 this paragraph by reporting daily to their union hall.
115 5. The work search requirements of this paragraph do not
116 apply to persons who are unemployed as a result of a temporary
117 layoff or who are claiming benefits under an approved short-time
118 compensation plan as provided in s. 443.1116.
119 6. In small counties as defined in s. 120.52(19), a
120 claimant engaging in systematic and sustained efforts to find
121 work must contact at least three prospective employers for each
122 week of unemployment claimed.
123 <u>7. The work search requirements of this paragraph do not</u>
124 <u>apply to persons required to participate in reemployment</u>
125 <u>services under paragraph (e).</u>
126 Section 5. Subsection (13) is added to section 443.101,
127 Florida Statutes, to read:
128 443.101 Disqualification for benefits.—An individual shall

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129 be disqualified for benefits:
130 (13) For any week with respect to which the department
131 finds that his or her unemployment is due to a discharge from
132 employment for failure without good cause to maintain a license,
133 registration, or certification required by applicable law
134 necessary for the employee to perform her or his assigned job
135 duties. For purposes of this paragraph, the term "good cause"
136 includes, but is not limited to, failure of the employer to
137 submit information required for a license, registration, or
138 certification; short-term physical injury which prevents the
139 employee from completing or taking a required test; and
140 inability to take or complete a required test that is outside
141 the employee's control.
142 Section 6. Subsection (5) of section 443.131, Florida
143 Statutes, is amended to read:
144 443.131 Contributions.—
145 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—
146 (a) When the Unemployment Compensation Trust Fund has
147 received advances from the Federal Government under the
148 provisions of 42 U.S.C. s. 1321, each contributing employer
149 shall be assessed an additional rate solely for the purpose of
150 paying interest due on such federal advances. The additional
151 rate shall be assessed no later than February 1 in each calendar
152 year in which an interest payment is due.
153 (b) The Revenue Estimating Conference shall estimate the
154 amount of ~~such~~ interest due on federal advances no later than
155 December 1 of the calendar year preceding the calendar year in
156 which an interest payment is due. The Revenue Estimating
157 Conference shall, at a minimum, consider the following as the

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158 basis for the estimate:
159 1. The amounts actually advanced to the trust fund.
160 2. Amounts expected to be advanced to the trust fund based
161 on current and projected unemployment patterns and employer
162 contributions.
163 3. The interest payment due date.
164 4. The interest rate that will be applied by the Federal
165 Government to any accrued outstanding balances.
166 (c) ~~(b)~~ The tax collection service provider shall calculate
167 the additional rate to be assessed against contributing
168 employers. The additional rate assessed for a calendar year
169 shall be determined by dividing the estimated amount of interest
170 to be paid in that year by 95 percent of the taxable wages as
171 described in s. 443.1217 paid by all employers for the year
172 ending June 30 of the immediately preceding calendar year. The
173 amount to be paid by each employer shall be the product obtained
174 by multiplying such employer's taxable wages as described in s.
175 443.1217 for the year ending June 30 of the immediately
176 preceding calendar year by the rate as determined by this
177 subsection. If the amount of assessments on deposit from
178 previous years, plus any earned interest, is at least 80 percent
179 of the estimated amount of interest, then an assessment may not
180 be made.
181 (d) The tax collection service provider shall make a
182 separate collection of such assessment, which may be collected
183 at the time of employer contributions and subject to the same
184 penalties for failure to file a report, imposition of the
185 standard rate pursuant to paragraph (3)(h), and interest if the
186 assessment is not received on or before June 30. Section

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187 443.141(1)(d) and (e) does not apply to this separately
188 collected assessment. The tax collection service provider shall
189 maintain those funds in the tax collection service provider's
190 Audit and Warrant Clearing Trust Fund until the provider is
191 directed by the Governor or the Governor's designee to make the
192 interest payment to the Federal Government. Assessments on
193 deposit shall be available to pay the interest on advances
194 received from the Federal Government under 42 U.S.C. s. 1321.
195 Assessments on deposit may be invested and any interest earned
196 shall be part of the balance available to pay the interest on
197 advances received from the Federal Government under 42 U.S.C. s.
198 1321.
199 (e) Four months after ~~In the calendar year that~~ all
200 advances from the Federal Government under 42 U.S.C. s. 1321 and
201 associated interest are repaid, ~~if there are assessment funds in~~
202 ~~excess of the amount required to meet the final interest~~
203 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
204 Clearing Trust Fund, including associated interest, shall be
205 transferred to the Unemployment Compensation Trust Fund ~~credited~~
206 ~~to employer accounts in the Unemployment Compensation Trust Fund~~
207 ~~in an amount equal to the employer's contribution to the~~
208 ~~assessment for that year divided by the total amount of the~~
209 ~~assessment for that year, the result of which is multiplied by~~
210 ~~the amount of excess assessed funds~~. Any assessment amounts
211 subsequently collected shall also be transferred to the
212 Unemployment Compensation Trust Fund.
213 (f) ~~However,~~ If the state is permitted to defer interest
214 payments due during a calendar year under 42 U.S.C. s. 1322,
215 payment of the interest assessment shall not be due. If a

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216 deferral of interest expires or is subsequently disallowed by
217 the Federal Government, either prospectively or retroactively,
218 the interest assessment shall be immediately due and payable.
219 Notwithstanding any other provision of this section, if interest
220 due during a calendar year on federal advances is forgiven or
221 postponed under federal law and is no longer due during that
222 calendar year, no interest assessment shall be assessed against
223 an employer for that calendar year, and any assessment already
224 assessed and collected against an employer before the
225 forgiveness or postponement of the interest for that calendar
226 year shall be credited to such employer's account in the
227 Unemployment Compensation Trust Fund. However, such funds may be
228 used only to pay benefits or refunds of erroneous contributions.
229 (g) This subsection expires July 1, 2014.
230 Section 7. Except as otherwise expressly provided in this
231 act and except for this section, which shall take effect upon
232 this act becoming a law, this act shall take effect July 1,
233 2013.
234
235 ========== T I T L E A M E N D M E N T ==========
236 And the title is amended as follows:
237 Delete everything before the enacting clause
238 and insert:
239 A bill to be entitled
240 An act relating to reemployment assistance; amending
241 s. 443.151, F.S.; requiring an appeals referee to be
242 an attorney in good standing with the Florida Bar or
243 successfully admitted within 8 months of hire;
244 providing for a person who is an appeals referee as of

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245 the effective date of this act to become licensed by
246 the Florida Bar by September 30, 2014; amending s.
247 443.036, F.S.; providing examples of misconduct;
248 amending s. 443.091, F.S.; limiting a claimant's use
249 of the same prospective employer to meet work search
250 requirements; providing an exception; providing that
251 work search requirements do not apply to individuals
252 required to participate in reemployment services;
253 amending s. 443.101, F.S.; providing for
254 disqualification in any week with respect to which the
255 department finds that his or her unemployment is due
256 to failure without good cause to maintain a license,
257 registration, or certification required by applicable
258 law necessary for the employee to perform her or his
259 assigned job duties; providing examples of "good
260 cause"; amending s. 443.131, F.S.; requiring the tax
261 collection service provider to calculate a certain
262 additional rate; providing for when an assessment may
263 not be made; requiring assessments to be available to
264 pay interest on federal advances; requiring certain
265 excess funds to be transferred to the Unemployment
266 Compensation Trust Fund after a certain time period;
267 deleting the provision referring to crediting employer
268 accounts; providing an expiration date; providing
269 effective dates.

By Senator Detert

28-00402-13 2013222__

A bill to be entitled

An act relating to reemployment assistance; transferring the functions of the Reemployment Assistance Appeals Commission to the Department of Economic Opportunity; providing legislative intent with respect to the transfer of programs and administrative responsibilities; providing for a transition period; requiring the department to coordinate the development and implementation of a transition plan; authorizing the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act; requiring that the Governor submit information and obtain waivers as required by federal law; providing that a transfer includes the transfer of any records and unexpended balances of certain funds; requiring the successor organization to be the custodian of certain property; amending s. 443.012, F.S.; deleting reference to the Reemployment Assistance Appeals Commission and replacing it with the Regional Appeal Offices; requiring the Department of Economic Opportunity to create a regional appeal office at each regional workforce board; requiring the regional workforce board to appoint appeals referees; providing that alternates may be used if a conflict of interest arises; requiring each regional workforce board to appoint a review panel; providing for membership; providing for a general counsel; providing for certain staggered terms for members; requiring the

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department to establish a central appeals office for recordkeeping; requiring the department to post final orders online; requiring the department to create a seal; providing for job performance appraisals; amending ss. 443.151, 120.80, 443.0315, 443.041, 443.101, 443.141, and 443.171, F.S.; revising references to the commission; deleting duplicative language; providing for appeals to be filed at the regional appeal office located at the regional workforce board servicing the claimant's last principal place of business; providing for electronic filing of appeals; providing that an appeal of an appeals referee decision be made at the review panel located at the same regional appeal office; providing that an appeal of a review panel decision be made at the district court of appeal where the order was issued; requiring the department to enter an order in accordance with decisions of the district court of appeal; amending s. 20.60, F.S.; deleting a subsection relating to the department's power over the Reemployment Assistance Appeals Commission; amending ss. 110.205 and 443.036, F.S.; deleting references to the commission; providing examples of misconduct; amending s. 443.091, F.S.; limiting a claimants use of the same prospective employer to meet work search requirements; providing an exception; providing that work search requirements do not apply to individuals required to participate in reemployment services; amending s. 443.131, F.S.; requiring the tax

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59 collection service provider to calculate a certain
60 additional rate; providing for when an assessment may
61 not be made; requiring assessments to be available to
62 pay interest on federal advances; requiring certain
63 excess funds to be transferred to the Unemployment
64 Compensation Trust Fund after a certain time period;
65 deleting the provision referring to crediting employer
66 accounts; providing an expiration date; amending s.
67 443.1317, F.S.; providing that the department shall
68 have ultimate authority over administration of the
69 Reemployment Assistance Program; providing an
70 effective date.
71
72 Be It Enacted by the Legislature of the State of Florida:
73
74 Section 1. Type two transfer from the Reemployment
75 Assistance Appeals Commission.—
76 (1) All powers, duties, functions, records, offices,
77 personnel, associated administrative support positions,
78 property, pending issues, existing contracts, administrative
79 authority, administrative rules, and unexpended balances of
80 appropriations, allocations, and other funds relating to the
81 Reemployment Assistance Appeals Commission are transferred by a
82 type two transfer, as defined in s. 20.06(2), Florida Statutes,
83 to the Department of Economic Opportunity.
84 (2) Any binding contract or interagency agreement existing
85 before October 1, 2013, between the Reemployment Assistance
86 Appeals Commission, or an entity or agent of the commission, and
87 any other agency, entity, or person shall continue as a binding

88 contract or agreement for the remainder of the term of such
89 contract or agreement on the successor department, agency, or
90 entity responsible for the program, activity, or functions
91 relative to the contract or agreement.
92 (3) All powers, duties, functions, records, offices,
93 personnel, property, pending issues, and existing contracts,
94 administrative authority, administrative rules, and unexpended
95 balances of appropriations, allocations, and other funds
96 relating to the Reemployment Assistance Appeals Commission which
97 are not specifically transferred by this section are transferred
98 by a type two transfer, as defined in s. 20.06(2), Florida
99 Statutes, to the Department of Economic Opportunity.
100 Section 2. (1) It is the intent of the Legislature that the
101 changes made by this act be accomplished with minimal disruption
102 of services provided to the public. To that end, the Legislature
103 directs that, notwithstanding the changes made by this act, the
104 Reemployment Assistance Appeals Commission may continue with
105 such powers, duties, functions, records, offices, personnel,
106 property, pending issues, and existing contracts as provided in
107 Florida Statutes 2012 until September 30, 2013. Appeals filed
108 before October 1, 2013, shall be administered as provided in
109 Florida Statutes 2012; appeals filed on and after October 1,
110 2013, shall be administered in accordance with this act. The
111 Legislature believes that a transition period between the
112 effective date of this act and October 1, 2013, is appropriate
113 and warranted.
114 (2) The Department of Economic Opportunity shall coordinate
115 the development and implementation of a transition plan that
116 supports the implementation of this act.

117 (3) Notwithstanding ss. 216.292 and 216.351, Florida
118 Statutes, upon approval by the Legislative Budget Commission,
119 the Executive Office of the Governor may transfer funds and
120 positions between agencies to implement this act.
121 (4) Upon the recommendation and guidance of the Department
122 of Economic Opportunity, the Governor shall submit in a timely
123 manner to the applicable federal departments or agencies any
124 necessary amendments or supplemental information concerning
125 plans that the state is required to submit to the Federal
126 Government in connection with any federal or state program. The
127 Governor shall seek any waivers from the requirements of federal
128 law or rules which may be necessary to administer the provisions
129 of this act.
130 (5) The transfer of any program, activity, duty, or
131 function under this act includes the transfer of any records and
132 unexpended balances of appropriations, allocations, or other
133 funds related to such program, activity, duty, or function.
134 Unless otherwise provided, the successor organization to any
135 program, activity, duty, or function transferred under this act
136 shall become the custodian of any property of the organization
137 that was responsible for the program, activity, duty, or
138 function immediately prior to the transfer.
139 Section 3. Section 443.012, Florida Statutes, is amended to
140 read:
141 443.012 Regional Appeal Offices ~~Reemployment Assistance~~
142 ~~Appeals Commission.~~
143 (1) The Department of Economic Opportunity shall establish
144 an appeal office at each regional workforce board as defined
145 under s. 445.007 at the location where the regional workforce

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146 board executive director is located. The department shall
147 provide an appeals referee and review panel with proper
148 facilities and assistance for the execution of their functions.
149 Administrative staff of the regional appeal offices shall serve
150 both an appeals referee and review panel and shall be employees
151 of the department, in accordance with s. 443.171(3).
152 (2)(a) Each regional workforce board shall, pursuant to
153 qualifications established by the department, appoint one or
154 more impartial salaried appeals referees to hear and decide
155 appealed claims. Such a referee shall be an employee of the
156 department, in accordance with s. 443.171(3).
157 (b) A person may not participate as an appeals referee in
158 any case in which she or he has a conflict of interest. The
159 regional workforce board may designate alternates to serve in
160 the absence or disqualification of an appeals referee on a
161 temporary basis. These alternates must have the same
162 qualifications required of appeals referees.
163 (3)(a) Each regional workforce board shall appoint a review
164 panel to review appeals from the decisions of the regional
165 appeals referee. ~~There is created within the Division of~~
166 ~~Workforce Services of the Department of Economic Opportunity a~~
167 ~~Reemployment Assistance Appeals Commission.~~ The review panel
168 ~~commission~~ is composed of a chair and two other members selected
169 from the membership of the regional workforce board and
170 appointed by the board chair ~~Governor~~, subject to approval of a
171 majority vote of the regional workforce board, a quorum having
172 been established ~~confirmation by the Senate. Only one appointee~~
173 ~~may be a representative of employers, as demonstrated by his or~~
174 ~~her previous vocation, employment, or affiliation; and only one~~

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175 ~~appointee may be a representative of employees, as demonstrated~~
176 ~~by his or her previous vocation, employment, or affiliation~~.
177 ~~(a) The chair shall devote his or her entire time to~~
178 ~~commission duties and is responsible for the administrative~~
179 ~~functions of the commission.~~
180 (b) A regional workforce board ~~The chair~~ has authority to
181 appoint a general counsel ~~and other personnel~~ to carry out the
182 duties and responsibilities of the review panel, pursuant to
183 qualifications established by the department ~~commission~~. The
184 general counsel must serve the panel in the review process. The
185 general counsel must be admitted to practice law in Florida, and
186 must have, at a minimum, 1 year of experience in conducting
187 judicial or administrative hearings or 5 years of experience in
188 the practice of law. The general counsel shall be an employee of
189 the department, in accordance with s. 443.171(3).
190 ~~(c) The chair must have the qualifications required by law~~
191 ~~for a judge of the circuit court and may not engage in any other~~
192 ~~business vocation or employment. Notwithstanding any other law,~~
193 ~~the chair shall be paid a salary equal to that paid under state~~
194 ~~law to a judge of the circuit court.~~
195 ~~(d) The remaining members shall be paid a stipend of $100~~
196 ~~for each day they are engaged in the work of the commission. The~~
197 ~~chair and other members are entitled to be reimbursed for travel~~
198 ~~expenses, as provided in s. 112.061.~~
199 ~~(e) The total salary and travel expenses of each member of~~
200 ~~the commission shall be paid from the Employment Security~~
201 ~~Administration Trust Fund.~~
202 (c) ~~(2)~~ The members of the review panel ~~commission~~ shall be
203 appointed to staggered terms of 2 ~~4~~ years each. A vacancy for

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204 the unexpired term of a member shall be filled in the same
205 manner as the original appointment. The presence of two members
206 constitutes a quorum for any called meeting of the review panel
207 ~~commission~~.
208 ~~(3) The commission has all authority, powers, duties, and~~
209 ~~responsibilities relating to reemployment assistance appeal~~
210 ~~proceedings under this chapter.~~
211 ~~(4) The property, personnel, and appropriations relating to~~
212 ~~the specified authority, powers, duties, and responsibilities of~~
213 ~~the commission shall be provided to the commission by the~~
214 ~~Department of Economic Opportunity.~~
215 ~~(5) The commission is not subject to control, supervision,~~
216 ~~or direction by the Department of Economic Opportunity in~~
217 ~~performing its powers or duties under this chapter.~~
218 ~~(6) The commission may make expenditures, including~~
219 ~~expenditures for personal services and rent, for law books,~~
220 ~~books of reference, periodicals, furniture, equipment, and~~
221 ~~supplies, and for printing and binding as necessary in~~
222 ~~exercising its authority and powers and carrying out its duties~~
223 ~~and responsibilities. All such expenditures of the commission~~
224 ~~shall be allowed and paid as provided in s. 443.211 upon the~~
225 ~~presentation of itemized vouchers approved by the chair.~~
226 ~~(7) The commission may charge fees for publications,~~
227 ~~subscriptions, and copies of records and documents. These fees~~
228 ~~must be deposited in the Employment Security Administration~~
229 ~~Trust Fund.~~
230 (4) ~~(8)~~ The department shall establish a central appeal
231 office for the purposes of maintaining ~~commission shall maintain~~
232 ~~and keep open during reasonable business hours an office in~~

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~~Tallahassee for the purpose of transacting its business, at which office the commission shall keep its~~ official records and papers. The department shall also post final orders of the review panels online ~~The offices shall be furnished and equipped by the commission~~. ~~The commission may hold sessions and conduct hearings at any place within the state.~~

~~(9) The commission shall prepare and submit a budget covering the necessary administrative cost of the commission.~~

(5)~~(10)~~ The department shall establish ~~commission shall have~~ a seal for authenticating all review panel ~~its~~ orders, awards, and proceedings, upon which shall be inscribed the words "State of Florida-Reemployment Assistance Review Panel ~~Appeals Commission~~-Seal," and it shall be judicially noticed.

(6) The regional workforce board shall submit to the department information concerning the job performance of all designated employees of the department at the regional appeal office. The department shall consider any such information submitted by the regional workforce board in conducting performance appraisals of the employees.

~~(11) The commission has authority to adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon it.~~

~~(12) Orders of the commission relating to reemployment assistance under this chapter are subject to review only by notice of appeal to the district courts of appeal in the manner provided in s. 443.151(4)(e).~~

Section 4. Paragraph (e) of subsection (3), subsection (4), and paragraph (b) of subsection (5) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(3) DETERMINATION OF ELIGIBILITY.—

(e) *Redeterminations.*—

1. The department may reconsider a determination if it finds an error or if new evidence or information pertinent to the determination is discovered after a prior determination or redetermination. A redetermination may not be made more than 1 year after the last day of the benefit year unless the disqualification for making a false or fraudulent representation under s. 443.101(6) is applicable, in which case the redetermination may be made within 2 years after the false or fraudulent representation. The department must promptly give notice of redetermination to the claimant and to any employers entitled to notice in the manner prescribed in this section for the notice of an initial determination.

2. If the amount of benefits is increased by the redetermination, an appeal of the redetermination based solely on the increase may be filed as provided in subsection (4). If the amount of benefits is decreased by the redetermination, the redetermination may be appealed by the claimant if a subsequent claim for benefits is affected in amount or duration by the redetermination. If the final decision on the determination or redetermination to be reconsidered was made by an appeals referee, a review panel ~~the commission~~, or a court, the department may apply for a revised decision from the body or court that made the final decision.

3. If an appeal of an original determination is pending when a redetermination is issued, the appeal unless withdrawn is treated as an appeal from the redetermination.

291 (4) APPEALS.—
292 (a) ~~*Appeals referees.*—The Department of Economic~~
293 ~~Opportunity shall appoint one or more impartial salaried appeals~~
294 ~~referees in accordance with s. 443.171(3) to hear and decide~~
295 ~~appealed claims. A person may not participate on behalf of the~~
296 ~~department as an appeals referee in any case in which she or he~~
297 ~~is an interested party. The department may designate alternates~~
298 ~~to serve in the absence or disqualification of any appeals~~
299 ~~referee on a temporary basis. These alternates must have the~~
300 ~~same qualifications required of appeals referees. The department~~
301 ~~shall provide the commission and the appeals referees with~~
302 ~~proper facilities and assistance for the execution of their~~
303 ~~functions.~~
304 ~~(b)~~ *Filing and hearing.*—
305 1. The claimant or any other party entitled to notice of a
306 determination may appeal an adverse determination to an appeals
307 referee within 20 days after the date of mailing of the notice
308 to her or his last known address or, if the notice is not
309 mailed, within 20 days after the date of delivering the notice.
310 Notice of appeal must be filed with the regional appeal office
311 located at the regional workforce board servicing the area of
312 the claimant's last principal place of business. Appeals filed
313 with the incorrect regional appeal office may be forwarded to
314 the appropriate office upon timely request of a party to the
315 appeal. Appeals may be filed electronically through a central
316 system or in a manner otherwise prescribed by the department.
317 2. Unless the appeal is untimely or withdrawn or review is
318 initiated by the review panel ~~commission~~, the appeals referee,
319 after mailing all parties and attorneys of record a notice of

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320 hearing at least 10 days before the date of hearing,
321 notwithstanding the 14-day notice requirement in s.
322 120.569(2)(b), may only affirm, modify, or reverse the
323 determination. An appeal may not be withdrawn without the
324 permission of the appeals referee.
325 3. However, if an appeal appears to have been filed after
326 the permissible time limit, the regional appeal office ~~of~~
327 ~~Appeals~~ may issue an order to show cause to the appellant which
328 requires the appellant to show why the appeal should not be
329 dismissed as untimely. If, within 15 days after the mailing date
330 of the order to show cause, the appellant does not provide
331 written evidence of timely filing or good cause for failure to
332 appeal timely, the appeal shall be dismissed.
333 4. If an appeal involves a question of whether services
334 were performed by a claimant in employment or for an employer,
335 the referee must give special notice of the question and of the
336 pendency of the appeal to the employing unit and to the
337 department, both of which become parties to the proceeding.
338 5.a. Any part of the evidence may be received in written
339 form, and all testimony of parties and witnesses shall be made
340 under oath.
341 b. Irrelevant, immaterial, or unduly repetitious evidence
342 shall be excluded, but all other evidence of a type commonly
343 relied upon by reasonably prudent persons in the conduct of
344 their affairs is admissible, whether or not such evidence would
345 be admissible in a trial in state court.
346 c. Hearsay evidence may be used for the purpose of
347 supplementing or explaining other evidence, or to support a
348 finding if it would be admissible over objection in civil

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349 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
350 support a finding of fact if:
351 (I) The party against whom it is offered has a reasonable
352 opportunity to review such evidence prior to the hearing; and
353 (II) The appeals referee or special deputy determines,
354 after considering all relevant facts and circumstances, that the
355 evidence is trustworthy and probative and that the interests of
356 justice are best served by its admission into evidence.
357 6. The parties must be notified promptly of the referee's
358 decision. The referee's decision is final unless further review
359 is initiated under paragraph (b) ~~(c)~~ within 20 days after the
360 date of mailing notice of the decision to the party's last known
361 address or, in lieu of mailing, within 20 days after the
362 delivery of the notice.
363 (b)~~(c)~~ *Review by review panel* ~~*commission*~~.—The review panel
364 ~~commission~~ may, on its own motion, within the time limit in
365 paragraph (a) ~~(b)~~, initiate a review of the decision of an
366 appeals referee located at the same regional appeal office. The
367 review panel ~~commission~~ may also allow the department or any
368 adversely affected party entitled to notice of the decision to
369 appeal the decision by filing an application within the time
370 limit in paragraph (a) ~~(b)~~. An adversely affected party has the
371 right to appeal the decision to the review panel located at the
372 same regional appeal office as the referee if the department's
373 determination is not affirmed by the appeals referee. The review
374 panel ~~commission~~ may affirm, modify, or reverse the findings and
375 conclusions of the appeals referee based on evidence previously
376 submitted in the case or based on additional evidence taken at
377 the direction of the review panel ~~commission~~. The review panel

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378 ~~commission~~ may assume jurisdiction of or transfer to another
379 appeals referee the proceedings on any claim pending before an
380 appeals referee at the same regional appeal office. Any
381 proceeding in which the review panel ~~commission~~ assumes
382 jurisdiction before completion must be heard by the review panel
383 ~~commission~~ in accordance with the requirement of this subsection
384 for proceedings before an appeals referee. When the review panel
385 ~~commission~~ denies an application to hear an appeal of an appeals
386 referee's decision, the decision of the appeals referee is the
387 decision of the review panel ~~commission~~ for purposes of this
388 paragraph and is subject to judicial review within the same time
389 and manner as decisions of the review panel ~~commission~~, except
390 that the time for initiating review runs from the date of notice
391 of the review panel's ~~commission's~~ order denying the application
392 to hear an appeal.
393 (c)~~(d)~~ *Procedure.*—The manner that appealed claims are
394 presented must comply with the review panel's ~~commission's~~
395 rules. Witnesses subpoenaed under this section are allowed fees
396 at the rate established by s. 92.142, and fees of witnesses
397 subpoenaed on behalf of the department or any claimant are
398 deemed part of the expense of administering this chapter.
399 (d)~~(e)~~ *Judicial review.*—Orders of the review panel
400 ~~commission~~ entered under paragraph (b) ~~(c)~~ are subject to review
401 only by notice of appeal in the district court of appeal in the
402 appellate district ~~in which a claimant resides or the job~~
403 ~~separation arose or in the appellate district~~ where the order
404 was issued. ~~However, if the notice of appeal is filed solely~~
405 ~~with the commission, the appeal shall be filed in the district~~
406 ~~court of appeal in the appellate district in which the order was~~

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407 ~~issued.~~ Notwithstanding chapter 120, the review panel ~~commission~~
408 is a party respondent to every such proceeding. The department
409 may initiate judicial review of orders in the same manner and to
410 the same extent as any other party. Upon a final determination
411 by a district court of appeal, the department shall enter an
412 order in accordance with such determination.
413 (5) PAYMENT OF BENEFITS.—
414 (b) The department shall promptly pay benefits, regardless
415 of whether a determination is under appeal if the determination
416 allowing benefits is affirmed in any amount by an appeals
417 referee or is affirmed by a review panel ~~the commission~~, or if a
418 decision of an appeals referee allowing benefits is affirmed in
419 any amount by the review panel ~~commission~~. In these instances, a
420 court may not issue an injunction, supersedeas, stay, or other
421 writ or process suspending payment of benefits. A contributing
422 employer that responded to the notice of claim within the time
423 limit provided in subsection (3) may not, however, be charged
424 with benefits paid under an erroneous determination if the
425 decision is ultimately reversed. Benefits are not paid for any
426 subsequent weeks of unemployment involved in a reversal.
427 Section 5. Subsection (8) of section 20.60, Florida
428 Statutes, is amended, and present subsections (9) through (13)
429 are renumbered as subsections (8) through (12), respectively, to
430 read:
431 20.60 Department of Economic Opportunity; creation; powers
432 and duties.—
433 ~~(8) The Reemployment Assistance Appeals Commission,~~
434 ~~authorized by s. 443.012, is not subject to control,~~
435 ~~supervision, or direction by the department in the performance~~

436 ~~of its powers and duties but shall receive any and all support~~
437 ~~and assistance from the department which is required for the~~
438 ~~performance of its duties.~~
439 Section 6. Paragraph (n) of subsection (2) of section
440 110.205, Florida Statutes, is amended to read:
441 110.205 Career service; exemptions.—
442 (2) EXEMPT POSITIONS.—The exempt positions that are not
443 covered by this part include the following:
444 (n)1.a. In addition to those positions exempted by other
445 paragraphs of this subsection, each department head may
446 designate a maximum of 20 policymaking or managerial positions,
447 as defined by the department and approved by the Administration
448 Commission, as being exempt from the Career Service System.
449 Career service employees who occupy a position designated as a
450 position in the Selected Exempt Service under this paragraph
451 shall have the right to remain in the Career Service System by
452 opting to serve in a position not exempted by the employing
453 agency. Unless otherwise fixed by law, the department shall set
454 the salary and benefits of these positions in accordance with
455 the rules of the Selected Exempt Service; provided, however,
456 that if the agency head determines that the general counsel,
457 chief Cabinet aide, public information administrator or
458 comparable position for a Cabinet officer, inspector general, or
459 legislative affairs director has both policymaking and
460 managerial responsibilities and if the department determines
461 that any such position has both policymaking and managerial
462 responsibilities, the salary and benefits for each such position
463 shall be established by the department in accordance with the
464 rules of the Senior Management Service.

465 b. In addition, each department may designate one
466 additional position in the Senior Management Service if that
467 position reports directly to the agency head or to a position in
468 the Senior Management Service and if any additional costs are
469 absorbed from the existing budget of that department.
470 2. If otherwise exempt, employees of the Public Employees
471 Relations Commission~~,~~ and the Commission on Human Relations, ~~and~~
472 ~~the Reemployment Assistance Appeals Commission,~~ upon the
473 certification of their respective commission heads, may be
474 provided for under this paragraph as members of the Senior
475 Management Service, if otherwise qualified. However, the deputy
476 general counsel of the Public Employees Relations Commission
477 shall be compensated as members of the Selected Exempt Service.
478 Section 7. Paragraphs (b) and (c) of subsection (10) of
479 section 120.80, Florida Statutes, are amended to read:
480 120.80 Exceptions and special requirements; agencies.—
481 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—
482 (b) Notwithstanding s. 120.54(5), the uniform rules of
483 procedure do not apply to appeal proceedings conducted under
484 chapter 443 by ~~the~~ reemployment assistance review panels ~~Appeals~~
485 ~~Commission~~, special deputies, or reemployment assistance appeals
486 referees.
487 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
488 443 may not be conducted by an administrative law judge assigned
489 by the division, but instead shall be conducted by ~~the~~
490 reemployment assistance review panels ~~Appeals Commission~~ in
491 reemployment assistance appeals, reemployment assistance appeals
492 referees, and the Department of Economic Opportunity or its
493 special deputies under s. 443.141.

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494 Section 8. Section 443.0315, Florida Statutes, is amended
495 to read:
496 443.0315 Effect of finding, judgment, conclusion, or order
497 in separate or subsequent action or proceeding; use as
498 evidence.—Any finding of fact or law, judgment, conclusion, or
499 final order made by a hearing officer, a review panel ~~the~~
500 ~~commission~~, or any person with the authority to make findings of
501 fact or law in any proceeding under this chapter is not
502 conclusive or binding in any separate or subsequent action or
503 proceeding, other than an action or proceeding under this
504 chapter, between an individual and his or her present or prior
505 employer brought before an arbitrator, court, or judge of this
506 state or the United States, regardless of whether the prior
507 action was between the same or related parties or involved the
508 same facts.
509 Section 9. Subsections (12) and (30) of section 443.036,
510 Florida Statutes, are amended, and present subsections (13)
511 through (47) are renumbered as (12) through (46), respectively,
512 to read:
513 443.036 Definitions.—As used in this chapter, the term:
514 ~~(12) "Commission" means the Reemployment Assistance Appeals~~
515 ~~Commission.~~
516 (29)~~(30)~~ "Misconduct," irrespective of whether the
517 misconduct occurs at the workplace or during working hours,
518 includes, but is not limited to, the following, which may not be
519 construed in pari materia with each other:
520 (a) Conduct demonstrating conscious disregard of an
521 employer's interests and found to be a deliberate violation or
522 disregard of the reasonable standards of behavior which the

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523 employer expects of his or her employee. Such conduct may
524 include, but is not limited to, willful damage to an employer's
525 property that results in damage of more than $50; or theft of
526 employer property or property of a customer or invitee of the
527 employer.
528 (b) Carelessness or negligence to a degree or recurrence
529 that manifests culpability or wrongful intent, or shows an
530 intentional and substantial disregard of the employer's
531 interests or of the employee's duties and obligations to his or
532 her employer.
533 (c) Chronic absenteeism or tardiness in deliberate
534 violation of a known policy of the employer or one or more
535 unapproved absences following a written reprimand or warning
536 relating to more than one unapproved absence.
537 (d) A willful and deliberate violation of a standard or
538 regulation of this state by an employee of an employer licensed
539 or certified by this state, which violation would cause the
540 employer to be sanctioned or have its license or certification
541 suspended by this state. Such conduct may include, but is not
542 limited to, failure to maintain a license, registration, or
543 certification required by applicable law in order for the
544 employee to perform her or his assigned job duties.
545 (e)1. A violation of an employer's rule, unless the
546 claimant can demonstrate that:
547 a.~~1.~~ He or she did not know, and could not reasonably know,
548 of the rule's requirements;
549 b.~~2.~~ The rule is not lawful or not reasonably related to
550 the job environment and performance; or
551 c.~~3.~~ The rule is not fairly or consistently enforced.

552 2. Such conduct may include, but is not limited to,
553 committing criminal assault or battery on another employee, or
554 on a customer or invitee of the employer; or committing abuse or
555 neglect of a patient, resident, disabled person, elderly person,
556 or child in her or his professional care.
557 Section 10. Paragraphs (a), (c), and (d) of subsection (2)
558 of section 443.041, Florida Statutes, are amended to read:
559 443.041 Waiver of rights; fees; privileged communications.—
560 (2) FEES.—
561 (a) Except as otherwise provided in this chapter, an
562 individual claiming benefits may not be charged fees of any kind
563 in any proceeding under this chapter by a review panel ~~the~~
564 ~~commission~~ or the Department of Economic Opportunity, or their
565 representatives, or by any court or any officer of the court. An
566 individual claiming benefits in any proceeding before a review
567 panel ~~the commission~~ or the department, or representatives of
568 either, or a court may be represented by counsel or an
569 authorized representative, but the counsel or representative may
570 not charge or receive for those services more than an amount
571 approved by a review panel ~~the commission~~, the department, or
572 the court.
573 (c) The department shall pay attorney ~~attorneys'~~ fees
574 awarded under this section from the Employment Security
575 Administration Trust Fund as part of the costs of administration
576 of this chapter and may pay these fees directly to the attorney
577 for the claimant in a lump sum. The department or a review panel
578 ~~the commission~~ may not pay any other fees or costs in connection
579 with an appeal.
580 (d) Any person, firm, or corporation who or which seeks or

581 receives any remuneration or gratuity for any services rendered
582 on behalf of a claimant, except as allowed by this section and
583 in an amount approved by the department, a review panel ~~the~~
584 ~~commission~~, or a court, commits a misdemeanor of the second
585 degree, punishable as provided in s. 775.082 or s. 775.083.
586 Section 11. Paragraph (d) of subsection (1) of section
587 443.091, Florida Statutes, is amended to read:
588 443.091 Benefit eligibility conditions.—
589 (1) An unemployed individual is eligible to receive
590 benefits for any week only if the Department of Economic
591 Opportunity finds that:
592 (d) She or he is able to work and is available for work. In
593 order to assess eligibility for a claimed week of unemployment,
594 the department shall develop criteria to determine a claimant's
595 ability to work and availability for work. A claimant must be
596 actively seeking work in order to be considered available for
597 work. This means engaging in systematic and sustained efforts to
598 find work, including contacting at least five prospective
599 employers for each week of unemployment claimed. The department
600 may require the claimant to provide proof of such efforts to the
601 one-stop career center as part of reemployment services. A
602 claimant's proof of efforts may not include the same prospective
603 employer at the same location for the duration of benefits,
604 unless the employer has indicated since the time of the initial
605 contact that the employer is hiring. The department shall
606 conduct random reviews of work search information provided by
607 claimants. As an alternative to contacting at least five
608 prospective employers for any week of unemployment claimed, a
609 claimant may, for that same week, report in person to a one-stop

610 career center to meet with a representative of the center and
611 access reemployment services of the center. The center shall
612 keep a record of the services or information provided to the
613 claimant and shall provide the records to the department upon
614 request by the department. However:
615 1. Notwithstanding any other provision of this paragraph or
616 paragraphs (b) and (e), an otherwise eligible individual may not
617 be denied benefits for any week because she or he is in training
618 with the approval of the department, or by reason of s.
619 443.101(2) relating to failure to apply for, or refusal to
620 accept, suitable work. Training may be approved by the
621 department in accordance with criteria prescribed by rule. A
622 claimant's eligibility during approved training is contingent
623 upon satisfying eligibility conditions prescribed by rule.
624 2. Notwithstanding any other provision of this chapter, an
625 otherwise eligible individual who is in training approved under
626 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
627 determined ineligible or disqualified for benefits due to
628 enrollment in such training or because of leaving work that is
629 not suitable employment to enter such training. As used in this
630 subparagraph, the term "suitable employment" means work of a
631 substantially equal or higher skill level than the worker's past
632 adversely affected employment, as defined for purposes of the
633 Trade Act of 1974, as amended, the wages for which are at least
634 80 percent of the worker's average weekly wage as determined for
635 purposes of the Trade Act of 1974, as amended.
636 3. Notwithstanding any other provision of this section, an
637 otherwise eligible individual may not be denied benefits for any
638 week because she or he is before any state or federal court

639 pursuant to a lawfully issued summons to appear for jury duty.
640 4. Union members who customarily obtain employment through
641 a union hiring hall may satisfy the work search requirements of
642 this paragraph by reporting daily to their union hall.
643 5. The work search requirements of this paragraph do not
644 apply to persons who are unemployed as a result of a temporary
645 layoff or who are claiming benefits under an approved short-time
646 compensation plan as provided in s. 443.1116.
647 6. In small counties as defined in s. 120.52(19), a
648 claimant engaging in systematic and sustained efforts to find
649 work must contact at least three prospective employers for each
650 week of unemployment claimed.
651 7. The work search requirements of this paragraph do not
652 apply to persons required to participate in reemployment
653 services under paragraph (e).
654 Section 12. Subsections (6) and (9) of section 443.101,
655 Florida Statutes, are amended to read:
656 443.101 Disqualification for benefits.—An individual shall
657 be disqualified for benefits:
658 (6) For making any false or fraudulent representation for
659 the purpose of obtaining benefits contrary to this chapter,
660 constituting a violation under s. 443.071. The disqualification
661 imposed under this subsection shall begin with the week in which
662 the false or fraudulent representation is made and shall
663 continue for a period not to exceed 1 year after the date the
664 Department of Economic Opportunity discovers the false or
665 fraudulent representation and until any overpayment of benefits
666 resulting from such representation has been repaid in full. This
667 disqualification may be appealed in the same manner as any other

668 disqualification imposed under this section. A conviction by any
669 court of competent jurisdiction in this state of the offense
670 prohibited or punished by s. 443.071 is conclusive upon the
671 appeals referee and the review panel ~~commission~~ of the making of
672 the false or fraudulent representation for which
673 disqualification is imposed under this section.
674 (9) If the individual was terminated from his or her work
675 as follows:
676 (a) If the Department of Economic Opportunity or a ~~the~~
677 reemployment assistance review panel ~~Appeals Commission~~ finds
678 that the individual was terminated from work for violation of
679 any criminal law, under any jurisdiction, which was in
680 connection with his or her work, and the individual was
681 convicted, or entered a plea of guilty or nolo contendere, the
682 individual is not entitled to reemployment assistance benefits
683 for up to 52 weeks, pursuant to rules adopted by the department,
684 and until he or she has earned income of at least 17 times his
685 or her weekly benefit amount. If, before an adjudication of
686 guilt, an admission of guilt, or a plea of nolo contendere, the
687 employer proves by competent substantial evidence to the
688 department that the arrest was due to a crime against the
689 employer or the employer's business, customers, or invitees, the
690 individual is not entitled to reemployment assistance benefits.
691 (b) If the department or a ~~the~~ reemployment assistance
692 review panel ~~Appeals Commission~~ finds that the individual was
693 terminated from work for any dishonest act in connection with
694 his or her work, the individual is not entitled to reemployment
695 assistance benefits for up to 52 weeks, pursuant to rules
696 adopted by the department, and until he or she has earned income

697 of at least 17 times his or her weekly benefit amount. If the
698 employer terminates an individual as a result of a dishonest act
699 in connection with his or her work and the department finds
700 misconduct in connection with his or her work, the individual is
701 not entitled to reemployment assistance benefits.
702
703 If an individual is disqualified for benefits, the account of
704 the terminating employer, if the employer is in the base period,
705 is noncharged at the time the disqualification is imposed.
706 Section 13. Subsection (5) of section 443.131, Florida
707 Statutes, is amended to read:
708 443.131 Contributions.—
709 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—
710 (a) When the Unemployment Compensation Trust Fund has
711 received advances from the Federal Government under the
712 provisions of 42 U.S.C. s. 1321, each contributing employer
713 shall be assessed an additional rate solely for the purpose of
714 paying interest due on such federal advances. The additional
715 rate shall be assessed no later than February 1 in each calendar
716 year in which an interest payment is due.
717 (b) The Revenue Estimating Conference shall estimate the
718 amount of ~~such~~ interest due on federal advances no later than
719 December 1 of the calendar year preceding the calendar year in
720 which an interest payment is due. The Revenue Estimating
721 Conference shall, at a minimum, consider the following as the
722 basis for the estimate:
723 1. The amounts actually advanced to the trust fund.
724 2. Amounts expected to be advanced to the trust fund based
725 on current and projected unemployment patterns and employer

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726 contributions.
727 3. The interest payment due date.
728 4. The interest rate that will be applied by the Federal
729 Government to any accrued outstanding balances.
730 (c) ~~(b)~~ The tax collection service provider shall calculate
731 the additional rate to be assessed against contributing
732 employers. The additional rate assessed for a calendar year
733 shall be determined by dividing the estimated amount of interest
734 to be paid in that year by 95 percent of the taxable wages as
735 described in s. 443.1217 paid by all employers for the year
736 ending June 30 of the immediately preceding calendar year. The
737 amount to be paid by each employer shall be the product obtained
738 by multiplying such employer's taxable wages as described in s.
739 443.1217 for the year ending June 30 of the immediately
740 preceding calendar year by the rate as determined by this
741 subsection. If the amount of assessments on deposit from
742 previous years, plus any earned interest, is at least 80 percent
743 of the estimated amount of interest, then an assessment may not
744 be made.
745 (d) The tax collection service provider shall make a
746 separate collection of such assessment, which may be collected
747 at the time of employer contributions and subject to the same
748 penalties for failure to file a report, imposition of the
749 standard rate pursuant to paragraph (3)(h), and interest if the
750 assessment is not received on or before June 30. Section
751 443.141(1)(d) and (e) does not apply to this separately
752 collected assessment. The tax collection service provider shall
753 maintain those funds in the tax collection service provider's
754 Audit and Warrant Clearing Trust Fund until the provider is

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755 directed by the Governor or the Governor's designee to make the
756 interest payment to the Federal Government. Assessments on
757 deposit shall be available to pay the interest on advances
758 received from the Federal Government under 42 U.S.C. s. 1321.
759 Assessments on deposit may be invested and any interest earned
760 shall be part of the balance available to pay the interest on
761 advances received from the Federal Government under 42 U.S.C. s.
762 1321.
763 (e) Four months after ~~In the calendar year that~~ all
764 advances from the Federal Government under 42 U.S.C. s. 1321 and
765 associated interest are repaid, ~~if there are assessment funds in~~
766 ~~excess of the amount required to meet the final interest~~
767 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
768 Clearing Trust Fund, including associated interest, shall be
769 transferred to the Unemployment Compensation Trust Fund ~~credited~~
770 ~~to employer accounts in the Unemployment Compensation Trust Fund~~
771 ~~in an amount equal to the employer's contribution to the~~
772 ~~assessment for that year divided by the total amount of the~~
773 ~~assessment for that year, the result of which is multiplied by~~
774 ~~the amount of excess assessed funds~~. Any assessment amounts
775 subsequently collected shall also be transferred to the
776 Unemployment Compensation Trust Fund.
777 (f) ~~However,~~ If the state is permitted to defer interest
778 payments due during a calendar year under 42 U.S.C. s. 1322,
779 payment of the interest assessment shall not be due. If a
780 deferral of interest expires or is subsequently disallowed by
781 the Federal Government, either prospectively or retroactively,
782 the interest assessment shall be immediately due and payable.
783 Notwithstanding any other provision of this section, if interest

784 due during a calendar year on federal advances is forgiven or
785 postponed under federal law and is no longer due during that
786 calendar year, no interest assessment shall be assessed against
787 an employer for that calendar year, and any assessment already
788 assessed and collected against an employer before the
789 forgiveness or postponement of the interest for that calendar
790 year shall be credited to such employer's account in the
791 Unemployment Compensation Trust Fund. However, such funds may be
792 used only to pay benefits or refunds of erroneous contributions.
793 (g) This subsection expires July 1, 2014.
794 Section 14. Paragraph (a) of subsection (1) of section
795 443.1317, Florida Statutes, is amended to read:
796 443.1317 Rulemaking authority; enforcement of rules.—
797 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—
798 (a) ~~Except as otherwise provided in s. 443.012,~~ The
799 Department of Economic Opportunity has ultimate authority over
800 the administration of the Reemployment Assistance Program.
801 Section 15. Paragraph (b) of subsection (2) and paragraph
802 (f) of subsection (3) of section 443.141, Florida Statutes, is
803 amended to read:
804 443.141 Collection of contributions and reimbursements.—
805 (2) REPORTS, CONTRIBUTIONS, APPEALS.—
806 (b) *Hearings.*—The determination and assessment are final 15
807 days after the date the assessment is mailed unless the employer
808 files with the tax collection service provider within the 15
809 days a written protest and petition for hearing specifying the
810 objections thereto. The tax collection service provider shall
811 promptly review each petition and may reconsider its
812 determination and assessment in order to resolve the

813 petitioner's objections. The tax collection service provider
814 shall forward each petition remaining unresolved to the
815 department for a hearing on the objections. Upon receipt of a
816 petition, the department shall schedule a hearing and notify the
817 petitioner of the time and place of the hearing. The department
818 may appoint special deputies to conduct hearings and to submit
819 their findings together with a transcript of the proceedings
820 before them and their recommendations to the department for its
821 final order. Special deputies are subject to the prohibition
822 against ex parte communications in s. 120.66. At any hearing
823 conducted by the department or its special deputy, evidence may
824 be offered to support the determination and assessment or to
825 prove it is incorrect. In order to prevail, however, the
826 petitioner must either prove that the determination and
827 assessment are incorrect or file full and complete corrected
828 reports. Evidence may also be submitted at the hearing to rebut
829 the determination by the tax collection service provider that
830 the petitioner is an employer under this chapter. Upon evidence
831 taken before it or upon the transcript submitted to it with the
832 findings and recommendation of its special deputy, the
833 department shall either set aside the tax collection service
834 provider's determination that the petitioner is an employer
835 under this chapter or reaffirm the determination. The amounts
836 assessed under the final order, together with interest and
837 penalties, must be paid within 15 days after notice of the final
838 order is mailed to the employer, unless judicial review is
839 instituted in a case of status determination. Amounts due when
840 the status of the employer is in dispute are payable within 15
841 days after the entry of an order by the court affirming the

842 determination. However, any determination that an employing unit
843 is not an employer under this chapter does not affect the
844 benefit rights of any individual as determined by an appeals
845 referee or a review panel ~~the commission~~ unless:
846 1. The individual is made a party to the proceedings before
847 the special deputy; or
848 2. The decision of the appeals referee or a review panel
849 ~~the commission~~ has not become final or the employing unit and
850 the department were not made parties to the proceedings before
851 the appeals referee or a review panel ~~the commission~~.
852 (3) COLLECTION PROCEEDINGS.—
853 (f) *Reproductions*.—In any proceedings in any court under
854 this chapter, reproductions of the original records of the
855 Department of Economic Opportunity, its tax collection service
856 provider, the former Agency for Workforce Innovation, the former
857 Department of Labor and Employment Security, or the former
858 Reemployment Assistance Appeals Commission, including, but not
859 limited to, photocopies or microfilm, are primary evidence in
860 lieu of the original records or of the documents that were
861 transcribed into those records.
862 Section 16. Section 443.171, Florida Statutes, is amended
863 to read:
864 443.171 Department of Economic Opportunity ~~and commission~~;
865 powers and duties; records and reports; proceedings; state-
866 federal cooperation.—
867 (1) POWERS AND DUTIES.—The Department of Economic
868 Opportunity shall administer this chapter. The department may
869 employ those persons, make expenditures, require reports,
870 conduct investigations, and take other action necessary or

871 suitable to administer this chapter. The department shall
872 annually submit information to Workforce Florida, Inc., covering
873 the administration and operation of this chapter during the
874 preceding calendar year for inclusion in the strategic plan
875 under s. 445.006 and may make recommendations for amendment to
876 this chapter.
877 (2) PUBLICATION OF ACTS AND RULES.—The Department of
878 Economic Opportunity shall cause to be printed and distributed
879 to the public, or otherwise distributed to the public through
880 the Internet or similar electronic means, the text of this
881 chapter and of the rules for administering this chapter adopted
882 by the department or the state agency providing reemployment
883 assistance tax collection services and any other matter relevant
884 and suitable. The department shall furnish this information to
885 any person upon request. However, any pamphlet, rules,
886 circulars, or reports required by this chapter may not contain
887 any matter except the actual data necessary to complete them or
888 the actual language of the rule, together with the proper
889 notices.
890 (3) PERSONNEL.—Subject to chapter 110 and the other
891 provisions of this chapter, the Department of Economic
892 Opportunity may appoint, set the compensation of, and prescribe
893 the duties and powers of employees, accountants, attorneys,
894 experts, and other persons as necessary for the performance of
895 the duties of the department under this chapter. The department
896 may delegate to any person its power and authority under this
897 chapter as necessary for the effective administration of this
898 chapter and may bond any person handling moneys or signing
899 checks under this chapter. The cost of these bonds must be paid

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900 from the Employment Security Administration Trust Fund.
901 (4) EMPLOYMENT STABILIZATION.—The Department of Economic
902 Opportunity, under the direction of Workforce Florida, Inc.,
903 shall take all appropriate steps to reduce and prevent
904 unemployment; to encourage and assist in the adoption of
905 practical methods of career training, retraining, and career
906 guidance; to investigate, recommend, advise, and assist in the
907 establishment and operation, by municipalities, counties, school
908 districts, and the state, of reserves for public works to be
909 used in times of business depression and unemployment; to
910 promote the reemployment of the unemployed workers throughout
911 the state in every other way that may be feasible; to refer any
912 claimant entitled to extended benefits to suitable work which
913 meets the criteria of this chapter; and, to these ends, to carry
914 on and publish the results of investigations and research
915 studies.
916 (5) RECORDS AND REPORTS.—Each employing unit shall keep
917 true and accurate work records, containing the information
918 required by the Department of Economic Opportunity or its tax
919 collection service provider. These records must be open to
920 inspection and are subject to being copied by the department or
921 its tax collection service provider at any reasonable time and
922 as often as necessary. The department or its tax collection
923 service provider may require from any employing unit any sworn
924 or unsworn reports, for persons employed by the employing unit,
925 necessary for the effective administration of this chapter.
926 However, a state or local governmental agency performing
927 intelligence or counterintelligence functions need not report an
928 employee if the head of that agency determines that reporting

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929 the employee could endanger the safety of the employee or
930 compromise an ongoing investigation or intelligence mission.
931 (6) OATHS AND WITNESSES.—In the discharge of the duties
932 imposed by this chapter, the Department of Economic Opportunity,
933 its tax collection service provider, the members of the review
934 panels ~~commission~~, and any authorized representative of any of
935 these entities may administer oaths and affirmations, take
936 depositions, certify to official acts, and issue subpoenas to
937 compel the attendance of witnesses and the production of books,
938 papers, correspondence, memoranda, and other records deemed
939 necessary as evidence in connection with the administration of
940 this chapter.
941 (7) SUBPOENAS.—If a person refuses to obey a subpoena
942 issued to that person, any court of this state within the
943 jurisdiction of which the inquiry is carried on, or within the
944 jurisdiction of which the person is found, resides, or transacts
945 business, upon application by the Department of Economic
946 Opportunity, its tax collection service provider, a review panel
947 ~~the commission~~, or any authorized representative of any of these
948 entities has jurisdiction to order the person to appear before
949 the entity to produce evidence or give testimony on the matter
950 under investigation or in question. Failure to obey the order of
951 the court may be punished by the court as contempt. Any person
952 who fails or refuses without just cause to appear or testify; to
953 answer any lawful inquiry; or to produce books, papers,
954 correspondence, memoranda, and other records within her or his
955 control as commanded in a subpoena of the department, its tax
956 collection service provider, a review panel ~~the commission~~, or
957 any authorized representative of any of these entities commits a

958 misdemeanor of the second degree, punishable as provided in s.
959 775.082 or s. 775.083. Each day that a violation continues is a
960 separate offense.
961 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
962 excused from appearing or testifying, or from producing books,
963 papers, correspondence, memoranda, or other records, before the
964 Department of Economic Opportunity, its tax collection service
965 provider, a review panel ~~the commission~~, or any authorized
966 representative of any of these entities or as commanded in a
967 subpoena of any of these entities in any proceeding before the
968 department, a review panel ~~the commission~~, an appeals referee,
969 or a special deputy on the ground that the testimony or
970 evidence, documentary or otherwise, required of the person may
971 incriminate her or him or subject her or him to a penalty or
972 forfeiture. That person may not be prosecuted or subjected to
973 any penalty or forfeiture for or on account of any transaction,
974 matter, or thing concerning which she or he is compelled, after
975 having claimed her or his privilege against self-incrimination,
976 to testify or produce evidence, documentary or otherwise, except
977 that the person testifying is not exempt from prosecution and
978 punishment for perjury committed while testifying.
979 (9) STATE-FEDERAL COOPERATION.—
980 (a)1. In the administration of this chapter, the Department
981 of Economic Opportunity and its tax collection service provider
982 shall cooperate with the United States Department of Labor to
983 the fullest extent consistent with this chapter and shall take
984 those actions, through the adoption of appropriate rules,
985 administrative methods, and standards, necessary to secure for
986 this state all advantages available under the provisions of

987 federal law relating to reemployment assistance.
988 2. In the administration of the provisions in s. 443.1115,
989 which are enacted to conform with the Federal-State Extended
990 Unemployment Compensation Act of 1970, the department shall take
991 those actions necessary to ensure that those provisions are
992 interpreted and applied to meet the requirements of the federal
993 act as interpreted by the United States Department of Labor and
994 to secure for this state the full reimbursement of the federal
995 share of extended benefits paid under this chapter which is
996 reimbursable under the federal act.
997 3. The department and its tax collection service provider
998 shall comply with the regulations of the United States
999 Department of Labor relating to the receipt or expenditure by
1000 this state of funds granted under federal law; shall submit the
1001 reports in the form and containing the information the United
1002 States Department of Labor requires; and shall comply with
1003 directions of the United States Department of Labor necessary to
1004 assure the correctness and verification of these reports.
1005 (b) The department and its tax collection service provider
1006 may cooperate with every agency of the United States charged
1007 with administration of any unemployment insurance law.
1008 (c) The department and its tax collection service provider
1009 shall cooperate with the agencies of other states, and shall
1010 make every proper effort within their means, to oppose and
1011 prevent any further action leading to the complete or
1012 substantial federalization of state reemployment assistance
1013 funds or state employment security programs. The department and
1014 its tax collection service provider may make, and may cooperate
1015 with other appropriate agencies in making, studies as to the

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1016 practicability and probable cost of possible new state-
1017 administered social security programs and the relative
1018 desirability of state, rather than federal, action in that field
1019 of study.
1020 (10) EVIDENCE OF MAILING.—A mailing date on any notice,
1021 determination, decision, order, or other document mailed by the
1022 department or its tax collection service provider pursuant to
1023 this chapter creates a rebuttable presumption that such notice,
1024 determination, order, or other document was mailed on the date
1025 indicated.
1026 Section 17. This act shall take effect July 1, 2013.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Spoke

3/27/13
Meeting Date

Topic: SB 222 RA Agenda

Bill Number: 222 (if applicable)

Name: Thomas Clendenning

Amendment Barcode: (if applicable)

Job Title: Workforce Services Director

Address: 107 E. Madison
Street

Tallahassee FL 32312
City State Zip

Phone: 850 245 7499

E-mail: Tom.Clendenning@deo.myflorida.com

Speaking: ☐ For ☐ Against ☐ Information

Representing: DEO

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

spoke

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/12
Meeting Date

Topic: Reemployment

Bill Number: SB 222 *(if applicable)*

Name: Carolyn Johnson

Amendment Barcode: *(if applicable)*

Job Title: Policy Director

Address: 136 S Bronough St
Street

Tallahassee — *City* | FL — *State* | 32301 — *Zip*

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Speaking: [✓] For [ ] Against [ ] Information

Representing: Florida Chamber of Commerce

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1024

INTRODUCER: Community Affairs Committee and Commerce and Tourism Committee

SUBJECT: Department of Economic Opportunity

DATE: March 21, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples	Hrdlicka		**cm SPB 7016 as introduced**
2.	Anderson	Yeatman	CA	**Fav/CS**
3.	Pingree	Martin	ATD	**Pre-meeting**
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1024 revises various statutory provisions relating to the Department of Economic Opportunity (DEO or department).

The bill has an indeterminate fiscal impact on both state revenues and expenditures. In Fiscal Year 2013-14, the expenditures required by the bill can be absorbed within the DEO's existing resources. See Section V.

The bill:

- Assesses a 15 percent penalty on individuals who fraudulently collect unemployment compensation benefits, in order to comply with the requirements of federal law;
- Provides that any excess assessments previously collected to pay interest on federal advances taken to cover unemployment compensation benefit claims must be applied to federal interest payments due before additional assessments are made.
- Significantly revises the Florida Small Cities Community Development Block Grant (CDBG) Act to remove requirements that are more restrictive than required by federal regulations; grants rulemaking authority to the DEO; and streamlines public hearing requirements.

- Modifies reporting dates and consolidates numerous economic development annual reports.
- Provides that the Governor will serve as an ex officio, nonvoting member of the board of directors of the Florida Tourism Industry Marketing Corporation (Visit Florida), which enables the Governor to act as a spokesperson for Florida tourism.

This bill substantially amends the following sections of the Florida Statutes: 20.60, 220.194, 288.012, 288.061, 288.0656, 288.106, 288.1081, 288.1082, 288.1088, 288.1089, 288.1226, 288.1253, 288.1254, 288.1258, 288.714, 288.7771, 288.903, 288.906, 288.907, 288.92, 288.95155, 290.0056, 290.014, 290.0411, 290.042, 290.044, 290.0455, 290.046, 290.047, 290.0475, 290.048, 331.3051, 331.310, 443.091, 443.131, 443.151, 443.191, 443.1113, 443.1715, and 446.50.

This bill repeals section 288.095(3)(c), Florida Statutes.

II. Present Situation:

Department of Economic Opportunity (DEO) Reports

Presently, there are multiple reporting requirements for the state's various economic development programs and activities. Some entities are required to submit reports to the Governor, Legislature, and/or the DEO and the report due dates lack uniformity.

The DEO is required to produce an annual report by January 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives that includes information on the state's business climate and economic development, as well as an identification of problems and recommendations. [1]

Section 288.906, F.S., requires Enterprise Florida, Inc. (EFI) to produce an annual report, as well as a separate Annual Incentives Report. The annual report includes broad organizational information including:

- A description of EFI's operations and accomplishments, including its divisions and the interactions with local and private economic development organizations.
- An evaluation of progress toward achieving organizational goals and specific performance outcomes.
- Methods for implementing and funding EFI's operations.
- An assessment of direct job creation benefits for welfare transition program participants or other programs designed to assist the long-term unemployed in finding work.
- The results of a customer satisfaction survey of businesses served.
- Annual compliance and financial audit information.

EFI is also required to produce an Annual Incentives Report[2] that requires, among other things, an analysis of the economic benefits that actually occurred based on actual private investment, jobs created, and wages paid over the previous 3 years. The Annual Incentives Report compares

[1] Section 20.60(10), F.S.
[2] Section 288.907, F.S.

the projected impacts of each incentive program over the previous 3 years to the confirmed, realized results. The Division of Strategic Business Development within the DEO is required to assist EFI in the preparation of the Annual Incentives Report.[3]

Florida has multiple reporting requirements for its economic development programs. These reports are required to be submitted separately from the EFI annual report, the Annual Incentives report, and the DEO annual report. The list of statutorily required reports and their due dates are as follows:

Date	**Report**
January 1	• The DEO's Annual Report (s. 20.60, F.S.) • Displaced Homemaker plan and report (s. 446.50, F.S.)
February 1	• Annual reports on enterprise zones (s. 290.014(1),F.S.)
March 1	• Report encompassing annual reports on enterprise zones, as well as an analysis of activities and accomplishments of each enterprise zone (s. 290.014(2), F.S.)
August 31	• Black Business Loan Program Annual Report (s. 288.714, F.S.)
September 1	• Rural Economic Development Initiative (s. 288.0656, F.S.) • Space Florida annual performance report (s. 331.3051, F.S.)
October 1	• State of Florida International Offices (s. 288.012, F.S.) • Entertainment Financial Incentive Annual Report (s. 288.1254, F.S.)
October 15	• Reports on each division of EFI (s. 288.92, F.S.)
November 30	• Florida Space Business Incentive Act annual report beginning in 2014 (s. 220.194, F.S.) • Space Florida annual operations report (s. 331.310, F.S.)

[3] Section 288.907(2), F.S.

December 1	• Report on information on the causes of a business's failure to complete its qualified target industry tax refund program agreement (s. 288.106, F.S.) • Report detailing the relationship between tax exemptions and film industry growth (s. 288.1258, F.S.) • Enterprise Zone Development Agency report (s. 290.0056, F.S.) • EFI Annual Report, due *before* this date (s. 288.906, F.S.)
December 30	• EFI's Annual Incentives Report (s. 288.907, F.S.) • Annual report on the Economic Development Trust Fund (s. 288.095, F.S.) • Office of Film and Entertainment annual travel and expenses report (s. 288.1253, F.S)
December 31	• Economic Gardening Technical Assistance Pilot Program (s. 288.1082, F.S.)
Miscellaneous or multiple dates	• Quick Action Closing Fund, reported within 6 months of validation of contract performance (s. 288.1088, F.S.) • Innovation Incentive Fund, reported within 90 days of the conclusion or termination of an award (s. 288.1089, F.S.) • Economic Gardening Business Loan Pilot Program, reports are due June 30 and December 31 (s. 288.1081, F.S.) • Florida Export Finance Corporation, report due as part of the DEO's report on the Economic Development Trust Fund (s. 288.7771, F.S.) • Florida Small Business Technology Growth Program report on the financial status of the program due as part of the DEO's annual report (s. 288.95155, F.S.)

Florida Small Cities Community Development Block Grant Program

The Community Development Block Grant (CDBG) Program is a federally funded housing and community development program that targets assistance to low and moderate income populations. Administered by the U.S. Department of Housing and Urban Development (HUD), the program provides annual grants on a formula basis to units of local government and states. Eligible program activities include housing rehabilitation and preservation, economic development, and water and sewer facilities construction. Local governments in urban areas apply and receive funds directly from HUD. Rural or smaller area governments also receive grants but these funds are distributed by the DEO through a competitive rural distribution mechanism known as the Florida Small Cities Community Block Grant (Small Cities CDBG) Program.

Background

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended (Title I). The program was enacted in 1974 under the Housing and Community Development Act (HCDA). Prior to this point in time, numerous federal programs addressed community development issues.[4]

The primary objective of HCDA is the development of viable urban communities.[5] These viable communities are achieved by providing persons of low and moderate income with decent housing, a suitable living environment, and expanded economic opportunities.

To achieve these goals, federal CDBG regulations set forth eligible activities and the national objectives that each activity must meet.[6] As recipients of CDBG funds, grantees are charged with ensuring that these requirements are met. According to HUD, recent regulation changes represent a trend toward greater flexibility in the CDBG program. These changes include providing:

- Greater flexibility regarding new construction;
- Enhanced flexibility in the area of economic development; and
- Increasingly manageable administrative requirements.[7]

Federal CDBG Program Areas

While there is a range of eligible CDBG funding programs,[8] three of the principal ones are the Entitlement Program, the State Administered Small Cities Program, and the Section 108 Loan Guarantee Program.

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[4] U.S. Department of Housing and Urban Development, *"Basically CDBG" Course Training Manual: Overview of the Program* (November 2007), available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/training/basicallycdbg (last visited February 5, 2013).
[5] *Ibid.*
[6] The regulations implementing the CDBG Program are found at 24 C.F.R. Part 570.
[7] HUD, *"Basically CDBG*."

- Entitlement Program
  The Entitlement Program provides formula grants to metropolitan cities and urban counties and is the largest component of the CDBG Program receiving 70 percent of CDBG appropriations.[9] HUD administers the Entitlement Program, without any state involvement. An entitlement entity is defined as a city in a metropolitan area with a population of 50,000 or more, a principal city of a metropolitan area, or an urban county with a population of at least 200,000 (excluding the population of metropolitan cities located in the county). Participating entitlement governments automatically receive an annual allocation of CDBG funds directly from HUD. The grant amounts are determined by the higher of two formulas: 1) data based on overcrowded housing, population, and poverty; or 2) data based on age of housing, population growth lag, and poverty.[10]
- State Administered Small Cities Program
  The State Administered Small Cities Program provides CDBG grants to state governments who then provide CDBG assistance to non-entitlement communities within their jurisdiction (i.e., cities with fewer than 50,000 residents and counties with fewer than 200,000 residents). Each state annually develops funding priorities and criteria for selecting projects. The DEO administers Florida's Small Cities CDBG.
- Section 108 Loan Guarantee Program
  Section 108 is the loan guarantee provision of the CDBG program. CDBG entitlement communities are eligible to apply directly for assistance through the program while CDBG non-entitlement communities apply through their state administered small cities program. Section 108 loans are not risk-free. The principal security for the loan guarantee is a pledge by the entitlement community or a pledge by the state in the case of a non-entitlement community of its current and future CDBG funds.[11]

Florida Small Cities Community Development Block Grant Program

Communities in the state with populations below the entitlement thresholds must compete for funding by submitting applications through the Small Cities CDBG Program. For federal fiscal year 2012, there were more than 240 communities eligible to participate in the program for the federal fiscal year 2012 funding cycle.[12] DEO annually develops funding priorities and criteria for selecting Small Cities CDBG projects subject to statutory provisions and applicable rules.[13]

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[8] These include Disaster Recovery Assistance from Presidentially-declared disasters, Neighborhood Stabilization aimed at home foreclosures, and a Brownfields Economic Development Initiative used to spur the return of brownfields to productive economic reuse.
[9] HUD, *"Basically CDBG*."
[10] *Ibid*.
[11] U.S. Department of Housing and Urban Development, *Section 108 Loan Guarantee Program,* available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/108 (last visited February 5, 2013). In federal fiscal year 2010, nationwide, HUD approved thirty-five Section 108 guaranteed loan commitments, in the aggregate amount of $165,880,000.
[12] For a list of eligible communities, see http://www.floridajobs.org/fhcd/cdbg/Files/Misc/EligibleCommunities.pdf (last visited February 5, 2013).
[13] Small Cities CDBG is administered in accordance with ss. 290.0401-290.049, F.S., ch. 73C-23, F.A.C., (formerly 9B-43), and 24 C.F.R. 570, Subpart I.

Established in 1983, the intent of Florida's Small Cities CDBG Program mirrored federal CDBG legislation. The primary purposes of the program outlined in s. 290.0411, F.S., include community development and project planning activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income.

While federal regulations "give maximum feasible deference to the state's interpretation of the statutory requirements" of CDBG, Florida's Small Cities CDBG Program is bound by the national objectives and eligible activities of the federal act.[14]

Small Cities CDBG HUD Allocation

HUD determines the amount of the Small Cities CDBG funding allocation using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other states.[15] Each year since 1983, Florida has received between $18 and $35 million from HUD for the program.[16] Florida's federal fiscal year 2012 allocation is $22,887,374.

Categories of Funding

Section 290.044, F.S., specifies certain grant program categories for the Small Cities CDBG and allows the DEO to define the broad community objectives served by each category. Major grant categories and the DEO's defined objectives are:[17]

- Commercial Revitalization – this category is used to revitalize commercial areas that are showing signs of decline by addressing problems causing deterioration or decline. Activities that achieve this objective include installing or reconstructing streets, utilities, parks, and other necessary public improvements; selling or leasing land in commercial areas for public use; correcting architectural barriers to handicap access; and repairing and rehabilitating building facades. Commercialization Revitalization grants are submitted annually.
- Economic Development – This category is used to promote investment of private capital, retain local economic enterprises, and provide long-term jobs with growth potential primarily for very low, low, and moderate income persons. This category is used to acquire real property; construct or rehabilitate commercial and industrial buildings; purchase capitalized

[14] 24 C.F.R. s. 570.480(c).
[15] U.S. Department of Housing and Urban Development, *Community Development Block Grant – CDBG*, available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs (last visited February 5, 2013).
[16] Florida Department of Economic Opportunity, *Florida Small Cities Community Development Block Grant Program*, available at http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program (last visited February 5, 2013).
[17] Florida Department of Economic Opportunity, *State of Florida Annual Action Plan for Programs Funded by the U.S. Department of Housing and Urban Development, Federal Fiscal Year 2012 (Draft)*, available at (http://www.floridajobs.org/fhcd/cdbg/Files/ConsolidatedPlan/DRAFT2012AnnualActionPlan.pdf (last visited February 5, 2013). Local governments may also apply for a Planning and Design Specifications grant for architectural and engineering plans and specifications associated with Commercial or Neighborhood Revitalization projects. The maximum award is $70,000.

machinery and equipment; provide job training and job placement services. Economic Development grants may be submitted at any time and applicants may have up to two open grants.[18]

- Housing - This category is used to improve housing conditions and expand housing opportunities for very low, low and moderate income persons. Activities that achieve this objective include rehabilitating housing or publicly owned or acquired properties; demolishing dilapidated housing, code enforcement, and weatherization and energy-efficiency improvements. Sewer and water hookups are complimentary housing category activities. Housing grants are submitted annually.
- Neighborhood Revitalization – This category is used to revitalize declining neighborhoods. Projects may involve street paving; making improvements to deteriorating infrastructure; or constructing or rehabilitating neighborhood facilities that provide health, social, or recreational services. Neighborhood Revitalization grants are submitted annually. [19]

Beyond the major funding categories, s. 290.044, F.S., also permits the DEO to annually set aside a portion of Small Cities CDBG funding for use in executive order declared emergencies or natural disasters. Funds not allocated under the emergency-related set aside by the last quarter of the state fiscal year are distributed to unfunded applications from the other categories.

Local governments applying for Small Cities CDBG funds must consider national and state goals and objectives when developing applications for funding. Applications may reflect more than one activity, but each eligible activity must meet at least one of the three national objectives (i.e., benefit low and moderate income persons, eliminate slum or blight, or meet an urgent need). Examples of *ineligible* Small Cities CDBG activities include buildings for the general conduct of government, general government expenses, purchase of equipment with a useful life of less than five years, and operating and maintenance expenses.[20]

Funding Allocation Priorities

The State of Florida Annual Action Plan for programs funded by HUD delineates the distribution, allocation, priorities, and specific objectives for the Small Cities CDBG Program. The following chart reflects the planned distribution of federal fiscal year 2012 Small Cities CDBG funds.[21]

[18] Rule 73C-23.0041(6)(f). F.A.C., stipulates that an economic development project must meet a national objective through the creation or retention of jobs, of which 51 percent must be jobs for persons from low to moderate-income households and must provide a public benefit by creating or retaining a number of full time equivalent jobs that divided into the subgrant amount results in a cost per job of under $35,000.

[19] While grant requests for Housing, Neighborhood Revitalization, and Commercial Revitalization, are submitted annually, communities may only apply if they have no open grants in one of these three categories.

[20] Florida Department of Economic Opportunity, *Small Cities CDBG Application Process, FFY 2012,* available at http://www.floridajobs.org/fhcd/cdbg/Files/Application/SmallCitiesCDBGApplicationProcess.pdf (last visited February 5, 2013).

[21] DEO, *State of Florida Annual Action Plan for Programs Funded by HUD.* Amounts in the table are rounded to the nearest dollar.

2012 Allocation	$22,887,374
State Administration (unmatched)	$100,000
2% State Administration (matched with GR)	$457,747
2.5% Emergency Set-Aside	$572,184
1% Training/Technical Assistance	$228,874
Total Pass Through	**$21,528,569**
Neighborhood Revitalization (41%)	$8,826,713
Housing Rehabilitation (16%)	$3,444,571
Economic Development (40%)	$8,611,428
Commercial Revitalization (3%)	$645,857

If eligible requests for funds are insufficient to fully utilize all funds allocated to a category, the balance of the funds in that category may be reallocated to the category receiving the greatest number of applications or to economic development activities.[22]

Grant Ceilings

Section 290.047(2), F.S., directs DEO to establish Small Cities CDBG ceilings by rule.[23] The local government's low and moderate income (LMI) population determines the maximum amount of funds for which they can apply. Population groupings are based on HUD modified census figures summarizing low and moderate income. The population groupings and grant ceilings are shown below.

LMI Population	Grant Ceiling
1-499	$600,000
500-1,249	$650,000
1,250-3,999	$700,000
4,000-10,549	$750,000
10,550 and above	$750,000

Small Cities CDBG Program administration costs are statutorily capped at 15 percent for housing grants and 8 percent for all other program category grants.[24] A schedule of maximum engineering costs is adopted by the DEO consistent with the schedule used by the U.S. Farmers Home Administration or another comparable schedule.[25]

Grant Selection Criteria and Process

Upon receipt of an application, an initial review is conducted by the department to determine if threshold criteria have been met.[26] This review is used as a screening method to ensure

[22] *Ibid.*
[23] See Rule 73C-23.0041, F.A.C.
[24] Section 290.047 (3), F.S. These requirements do not preclude a local government from contributing their own funds to cover administrative costs.
[25] Section 290.047(6), F.S.
[26] *Ibid.*

compliance with minimum application requirements. Specific criteria established by s. 290.0475, F.S., governs the basis upon which the DEO may reject an application without regard to scoring. These criteria are:

- The application is not received by the specified deadline date;
- The proposed project activities fail to meet one of the three national objectives;
- The proposed activities are not eligible;
- The proposed activities are not in compliance with the adopted local comprehensive plan;
- The applicant has an open Housing, Neighborhood or Commercial Revitalization grant funded by the CDBG;
- The local government is not in compliance with citizen participation requirements; or
- Information provided in the application that affects eligibility or scoring is misrepresented.

Section 290.046(3), F.S., establishes grant application ranking components and their respective score weighting:

- Community need (25 percent) measures the extent of poverty in the community and the condition of physical structures. Each application, regardless of program category is scored on the same community need criteria.[27]
- Project impact (65 percent) measures the direct benefit received by persons of low income and persons of moderate income, the extent to which the problem identified is addressed by the proposed activities, and the extent to which resources other than the funds being applied for are being used to carry out the proposed activities. Project impact criteria are unique to each program category.[28]
- Equal opportunity employment and housing performance (10 percent) measures outstanding efforts in this area.

While the Small Cities CDBG Program does not require local governments to provide matching funds, the competitive scoring criteria do favor applications that leverage other funds. Local government general revenue, as well as other loan and grant funds, may be counted as leveraged funds.

The DEO does not award a grant until it has determined, based upon a site visit, that a project or activities are eligible, in accordance with the description contained in the application, and that any open Economic Development grant is on schedule.[29]

[27] Rule 73C-23.0041(10)(b)4., F.A.C., specifies three factors to determine community need: 1) the number of low and moderate income persons, 2) the number of persons below poverty level, and 3) the number of year-round housing units with 1.01 or more persons per room.
[28] Section 290.046(3)(d), F.S., further provides that the criteria used to measure the direct benefit to persons of low income and persons of moderate income shall represent no less than 42 percent of the points assigned to the program impact factor.
[29] Section 290.046(2)(d), F.S. For final rankings for federal fiscal year 2012 applications, see http://floridajobs.org/fhcd/cdbg/Files/Misc/FinalScoresFFY2012Applications.pdf (last visited February 6, 2013).

Local Government Citizen Participation Requirements

Section 290.046, F.S., and federal regulations, set out the requirements local governments must follow to obtain citizen input for Small Cities CDBG projects. Local governments submitting a CDBG application must comply with citizen participation requirements as provided in the HCDA of 1974, as amended. To ensure compliance, these provisions are incorporated in grant applications, the scoring system and award agreements.[30] Prior to the submission of an application for funding, local governments must:

- publicize information concerning the amount of funds available to the local government and the range of activities that may be undertaken,
- hold at least one public hearing to obtain citizens' views on community development needs,
- publish a notice concerning the proposed application advising citizens of its location and notifying them that it is available for inspection and comment,
- consider any comments and views expressed by citizens on the proposed application and, if appropriate, modify the proposed application, and
- hold at least one public hearing on the proposed application prior to its submission to the state.[31]

In addition, a Citizen's Advisory Task Force must be established to provide input throughout the project process.[32] At least three of the task force members are required to be residents of the jurisdiction where the proposed project or activities are to be implemented. No task force members may be elected officials and only one may be an employee of the local government.[33] Failure to meet these or any other citizen participation requirements will result in the rejection of an application pursuant to s. 290.0475(6), F.S.

Section 108 Loan Guarantee Program

The Section 108 Loan Guarantee Program is authorized under Section 108 of the HCDA of 1974, as part of the CDBG Program.[34] In 1997, the Florida Legislature passed changes to the Small Cities CDBG Program which currently allows statewide Section 108 Loans of up to five times Florida's most recent HUD allocation.[35]

HUD sells bonds on the private market and uses the proceeds to fund Section 108 loans through the state to local governments. The local government may loan the funds to third parties to undertake eligible CDBG activities, typically economic development, or use the funds for other eligible CDBG activities. As part of the process, the state pledges future CDBG allocations as secondary collateral to secure the loan.[36] Section 290.0455, F.S., provides that the maximum

[30] DEO, *State of Florida Annual Action Plan for Programs Funded by HUD.*
[31] Section 290.046(5), F.S.
[32] Section 290.046(6), F.S.
[33] *See* Rule 73C-23.0041(3)(b), F.A.C.
[34] 42 U.S.C. s. 5308.
[35] Chapter 97-278, s. 45, Laws of Fla. (creating s. 290.0455, F.S., effective July 1, 1997). The current maximum loan amount is approximately $115 million.
[36] DEO, *State of Florida Annual Action Plan for Programs Funded by HUD.*

amount of loan guarantee commitment that any eligible local government may receive may be limited to $7,000,000.[37]

HUD has approved three section 108 loans since the inception of Florida's Small Cities CDBG Program.[38] In 2001, HUD approved the first Section 108 Loan for a major economic development project in the City of Alachua (Alachua County). This loan of $2,250,000 provided infrastructure for the development of a Dollar General Distribution Center that created 448 new jobs for low and moderate income citizens. The City of Key West addressed critical housing needs with a $16 million loan that was approved in 2003. The project funded the rehabilitation of 144 housing units at Poinciana Plaza, a former military base housing area.

In 2004, the City of Sebring received a loan for $5,250,000 to restore a hotel, the historic Harder Hall. In late 2006, the developer for the project, Joran Realty, filed for bankruptcy and ceased work on the project. The city, which now holds possession of the property, foreclosed on the loan. The value of the property is reported to exceed the loan amount owed. The hotel and accompanying property are currently being marketed for sale and proceeds will be used to pay back the loan. The city reports that it is current with interest payments to HUD.

DEO Recommendation on Small Cities CDBG: January 2012

Chapter 2011-142, L.O.F., directed the department to provide recommendations to further reorganize and streamline economic development and workforce functions to improve the effectiveness and operation of economic development and workforce programs. In January of 2012, the DEO released a Report on Further Streamlining & Reorganization of Florida's Economic Development & Workforce Functions. As one of its recommendations, the DEO suggested revisions to the Florida Small Cities Community Development Block Grant Act (Chapter 290, Florida Statutes).

The department's explanation for this recommendation included the following:

> The Florida Small Cities Community Development Block Grant Act currently contains a number of provisions that restrict the program's ability to be flexible, agile or foster DEO's economic development emphasis. Revisions to the Act would allow DEO greater latitude to craft the program toward a more effective economic development outcome and would remove burdensome and unnecessary requirements beyond those required in the Code of Federal Regulations.
>
> The desired outcome is to remove unnecessary regulation and competitive CDBG grant scoring criteria from statute and to put more of the framework of the CDBG grant scoring criteria in rule so that DEO has more agility and flexibility to work with our stakeholders to put more of

[37] 24 C.F.R. s. 570.705.

[38] Florida Department of Economic Opportunity, *Florida Small Cities Community Development Block Grant (CDBG) Program, Performance and Evaluation Report for FFY 2000-2010* (June 30, 2011) *(on file with the Senate Commerce and Tourism Committee).* Information from this and the next paragraph are drawn from the report.

an economic development focus on the Small Cities CDBG program and streamline the process for the other grant categories as well.[39]

Reemployment Assistance

Background

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no fault of their own (as determined under state law) and who meet the requirements of state law.[40] Individual states collect payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).[41] FUTA collections go to the states for costs related to the administration of state unemployment insurance and job service programs. In addition, the FUTA pays one-half the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.[42]

States are permitted to set benefit eligibility requirements, the amount and duration of benefits and the state tax structure, as long as state law does not conflict with the FUTA or the Social Security Act requirements. Florida's unemployment insurance program was created by the Legislature in 1937.[43] The program was rebranded as the "reemployment assistance program" in 2012.[44] The Department of Economic Opportunity (DEO) is responsible for administering Florida's reemployment assistance (RA) laws, primarily through its Division for Workforce Services. The DEO contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collection services.[45]

In Florida, Reemployment Assistance (RA) benefits are financed solely through contributions by employers – employers pay taxes on the first $8,000 of each employee's wages.[46] The calculation for determining each employer's tax rate is statutorily set, and takes into consideration an employer's "experience" (as former employees collect RA benefits, these

[39] Florida Department of Economic Opportunity, *Report on Further Streamlining & Reorganization of Florida's Economic Development & Workforce Functions* (January 1, 2012) available at http://www.floridajobs.org/about%20awi/12.31.2011%20-%20DEO%20Streamlining%20Report%20Jan%202012.pdf (last visited February 6, 2013).
[40] USDOL, Employment and Training Administration, State Unemployment Insurance Benefits, available at http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp (last visited February 6, 2013).
[41] FUTA is codified at 26 U.S.C.
[42] USDOL, Employment and Training Administration, Unemployment Insurance Tax Topic, available at http://workforcesecurity.doleta.gov/unemploy/uitaxtopic.asp (last visited February 6, 2013).
[43] Chapter 18402, L.O.F.
[44] Chapter 2012-30, L.O.F.
[45] Section 443.1316, F.S.
[46] Nonprofit employers may choose to finance compensation through either the contributory method or the reimbursement method. A reimbursing employer is one who must pay the Unemployment Compensation Trust Fund on a dollar-for-dollar basis for the benefits paid to its former employees. The employer is otherwise not required to make payments to the trust fund. See s. 443.1312, F.S. State and local governments are reimbursing employers. Most employers are contributory employers. In January 2015, the "wage base" will be reduced to $7,000. See s. 443.1217(2)(a), F.S.

benefits are charged to the employer), the balance of the Unemployment Compensation Trust Fund, and other factors.

The Internal Revenue Service charges each liable employer a federal unemployment tax of 6.0 percent of employees' annual wages.[47] If, however, a state program meets the federal requirements and has no delinquent federal loans, employers are eligible for up to a 5.4 percent tax credit, making the net tax rate 0.6 percent. Employers file an annual return with the Internal Revenue Service each January for taxes on the first $7,000 of employee's annual wages during the previous year.

The USDOL provides the DEO with administrative resource grants from the taxes collected from employers pursuant to the FUTA. These grants are used to fund the operations of the state's program, including the processing of claims for benefits by DEO, state unemployment tax collections performed by the DOR, appeals conducted by the DEO and the Reemployment Assistance Appeals Commission, and related administrative functions.

Unfortunately, due to the past few years of high unemployment in Florida, more funds have been paid out of the Unemployment Compensation Trust Fund than have been collected. The trust fund fell into deficit in August 2009, and since that time, the state has requested over $2 billion in federal advances in order to continue to fund unemployment compensation claims. Through voluntary repayment and partial loss of the federal tax credit, Florida has substantially paid down its debt.[48] It is estimated that all federal advances should be repaid by mid-2013.[49]

Federal advances accrue interest on a federal fiscal year basis (October to September), and such interest is due no later than September 30 each year. The interest rate for 2013 is 2.5765 percent.[50] The Revenue Estimating Conference estimated on January 15, 2013, that the interest due for 2013 would be $9.6 million.[51]

The interest due on advances cannot be paid from funds from the Unemployment Compensation Trust Fund. In order to repay the interest, a state may make an appropriation from general revenue, issue bonds, or impose an assessment on employers.[52] In 2010, the Legislature imposed an additional assessment on employers to pay interest on federal advances.[53]

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[47] 26 U.S.C. s. 3301.

[48] As of February 4, 2013, Florida had an outstanding advance balance of slightly less than $685 million. See U.S. Department of Treasury, Bureau of Public Debt, Treasury Direct's Title XII Advance Activities Schedule at http://treasurydirect.gov/govt/reports/tfmp/tfmp_advactivitiessched.htm (last visited February 6, 2013).

[49] The most recent forecast by the Revenue Estimating Conference shows repayment of all federal advances by June 2013. On file with the Senate Commerce and Tourism Committee.

[50] The interest rate charged is equal to the fourth calendar quarter yield on the Unemployment Trust Fund for the previous year, capped at 10 percent. See U.S. Department of Treasury, Bureau of Public Debt, Treasury Direct's Unemployment Trust Fund Quarterly Yields at http://treasurydirect.gov/govt/rates/rates_tfr.htm (last visited on February 6, 2013).

[51] Revenue Estimating Conference forecast, available at http://edr.state.fl.us/content/revenues/reports/unemployment-compensation-trust-fund/UnemploymentCompensationTax2013InterestDueonFederalAdvancesRevised.pdf (last visited February 6, 2013).

[52] The option of issuing bonds to repay the interest may be unavailable to Florida, See Art. VII, s. 11, Fla. Const.

[53] Section 443.131(5), F.S. Section 4, ch. 2010-1, L.O.F.

Section 443.131(5)(b), F.S., sets forth the calculations for the assessment. To determine the additional rate for the assessment, the formula divides the estimated amount of interest owed by 95 percent of total wages paid by employers for the previous year ending June 30. To determine an employer's payment amount, the formula multiplies an employer's taxable wages by the additional rate. DOR is required to calculate and bill the assessment prior to February 1 of the year, based upon the interest estimated by the Revenue Estimating Conference. An employer has 5 months, until June 30th, to pay the assessment. The assessments are paid into the DOR's Audit and Warrant Clearing Trust Fund and may earn interest. Any interest earned is part of the balance available to pay the interest due to the federal government.

Reemployment Assistance Claims and Benefits Information System

In 2009, the Legislature authorized the Department of Economic Opportunity to upgrade and enhance its Unemployment Compensation Claims and Benefits Information System.[54] The statute provides a project completion date of no later than June 30, 2013.

In early 2012, the vendor indicated that an extension of the timeline would be required. The vendor paid $1,965,000 in liquidated damages and provided a credit of $2,500,000 to cover the costs incurred by DEO caused by the delay. After negotiations and a corrective action plan, the revised project schedule calls for an October 28, 2013, implementation date.[55]

Fraudulent Claims

A fraudulent claim is one that knowingly contains a false or fraudulent statement or fails to disclose a material fact for the purpose of obtaining or increasing reemployment benefits.[56] A claimant found to be collecting benefits fraudulently is disqualified from received benefits beginning the week that the fraudulent claim was made. The disqualification will continue for a period not to exceed 1 year after the DEO discovered the fraud and until any resulting overpayment of benefits has been repaid. Reemployment Assistance fraud can also be prosecuted as a third degree felony.

Federal law requires states to assess a penalty, of at least 15 percent of the amount of the erroneous payment, on any claimant who fraudulently obtained benefits.[57] Florida does not currently assess a penalty for fraudulent overpayments.

Confidentiality

Information received from an employing unit or individual that reveals an employing unit's or individual's identity under the administration of the RA program is confidential and exempt from disclosure.[58]

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[54] Chapter 2009-73, L.O.F. At the time, the Unemployment Compensation program was housed in the Agency for Workforce Innovation, whose functions were transferred to the Department of Economic Opportunity in 2011.
[55] See Project Connect, Executive Steering Committee Meeting Minutes for August 8, 2012, http://sitefinity.floridajobs.org/Unemployment/UC_ModernizationProject/documents/MinutesAgendas/20120808%20RA%20ESC%20Meeting%20Minutes%20%20FINAL.pdf (last visited February 7, 2013).
[56] Sections 443.071 and 443.101(6), F.S., discuss fraud and associated penalties.
[57] 42 U.S.C. s. 503(a)(11).

In 2012, the statute was amended and the language that made disclosure of such confidential information a second-degree misdemeanor was inadvertently repealed.[59] Federal regulations require Florida to provide penalties for the unlawful disclosure of confidential information related to reemployment assistance.[60]

Florida Tourism Industry Marketing Corporation

The Florida Tourism Industry Marketing Corporation, also known as Visit Florida, is the not for profit corporation that acts as the direct support organization for EFI.[61] Visit Florida is responsible for providing tourism promotion and marketing services, functions, and programs for the state.

The Visit Florida board of directors consists of 31 tourist industry-related members, appointed by EFI, in conjunction with the DEO. Sixteen of its members are appointed to represent all geographic areas of the state in an equitable manner, with at least two members from each region.[62] An additional 15 members are prescribed as follows: one from the statewide rental car industry, seven from tourist-related statewide associations, three from county destination marketing organizations, one from the cruise industry, one from an automobile and travel services membership organization that has at least 2.8 million members in Florida, one representative from the airline industry, and one representative from the space tourism industry, who will each serve for a term of 2 years.

III. Effect of Proposed Changes:

Agency Reporting Consolidation

CS/SB 1024 consolidates several independent program reports and reporting dates.

DEO Annual Report

The bill makes several changes to the DEO annual report. (**Section 1, amends s. 20.60, F.S.**) The report's due date is changed from January 1 to November 1. The department is directed to include supplements to its annual report on several programs. As a result, the independent due dates for each of the reports are removed. The programs to be included in the DEO's annual report are:

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[58] Section 443.1715, F.S. This subsection authorizes a number of exceptions for disclosure. Information may be released to the extent necessary for presentation of a claim or upon written authorization of a claimant who has a workers' compensation claim pending or is receiving compensation benefits. Public employees may receive this information in the performance of their public duties but must maintain the confidentiality of the information. A claimant or his or her legal representative is entitled to this information, to the extent necessary, to present a claim at a hearing before an appeals referee or the commission. DEO or DOR may provide a copy of any report submitted by an employer to the employer or a copy of any report submitted by the claimant to the claimant, upon request. Confidential information may also be released pursuant to 20 C.F.R. part 603.
[59] Chapter 2012-30, L.O.F.
[60] 20 C.F.R. part 603.
[61] Section 288.1216, F.S. Chapter 2011-142, L.O.F.
[62] Section 288.1216(4)(a), F.S., prescribes six regions of the state and the counties encompassed in those regions.

- Displaced Homemaker Program. (**Section 41, amends s. 446.50, F.S.**)
- Enterprise Zone Program. (**Sections 23 and 24**).
  - Changes the due date of each enterprise zone development agency's report to DEO from December 1 to October 1. (**Section 23, amends s. 290.0056, F.S.**)
  - Changes the due date of the Department of Revenue's report on the usage and revenue impacts, by county, of state incentives relating to enterprise zones from February 1 to October 1. (**Section 24, amends s. 290.014, F.S.**)
- Economic Gardening Business Loan Pilot Program. (**Section 10, amends s. 288.1081, F.S.**)
- Economic Gardening Technical Assistance Pilot Program. (**Section 11, amends s. 288.1082, F.S.**)
- Black Business Loan Program. (**Section 18, amends s. 288.714, F.S.**)
- Rural Economic Development Initiative. (**Section 7, amends s. 288.0656, F.S.**)

EFI Annual Report

The bill requires EFI to include, as supplements to its annual report, information on: (**Section 2, amends s. 288.906, F.S.**)

- State of Florida International Offices. (**Section 5, amends s. 288.012, F.S.**)
- Florida Export Finance Corporation's annual report. (**Section 19, amends s. 288.7771, F.S.**)

Additionally, under current law EFI's division reports are due independently on October 1, for inclusion in the EFI annual report. The bill repeals this independent due date. (**Section 21, amends s. 288.92, F.S.**)

Annual Incentives Report

The bill revises the duties of EFI to require the Annual Incentives Report to be a joint report by EFI and the DEO. (**Section 20, amends s. 288.903, F.S.**) The report is currently produced by EFI alone using data supplied by the DEO.

Information on the Economic Development Trust Fund is required to be included in the Annual Incentives Report. The information is currently required under s. 288.095(3)(c), F.S. The bill repeals this paragraph (**Section 8**) and incorporates the information into the Annual Incentives Report. (**Section 3, amends s. 288.907, F.S.**) The information includes:

- The types of projects supported;
- Tax refunds or other payments made out of the Economic Development Incentives Account for each project supported;
- A separate analysis of the impact of tax refunds on Enterprise Zones, rural communities, brownfield areas, and distressed urban communities; and
- The name and tax refund amounts for each business receiving a qualified target industry or qualified defense space contractor and space flight business tax refund.

Several other stand-alone program reports are incorporated as supplements to the Annual Incentives Report. As a result, the independent due dates for the reports are removed. The reports required to be included as supplements to the Annual Incentives Report include:

- Florida Space Business Incentives Act annual report (**Section 4, amends s. 220.194, F.S.**), beginning in 2014.
- Information on the causes of a business's failure to complete its qualified target industry incentive agreement. (**Section 9, amends s. 288.106, F.S.**).
- Information relating to Innovation Incentive Program recipients, including the evaluation as to whether the recipients were catalysts for additional economic development. (**Section 13, amends s. 288.1089, F.S.**)
- Florida Small Business Technology Growth Program annual report. (**Section 22, amends s. 288.95155, F.S.**)

Validation of contractor performance for all incentive programs is currently required as part of the Annual Incentives Report. The bill adds a cross-reference to s. 288.061, F.S., clarifying that validation of contractor performance is to be included in the Annual Incentives Report. (**Section 3, amends s. 288.907, F.S.)**

The bill clarifies that the DEO, rather than EFI, is responsible for validating contractor performance for the Quick Action Closing Fund incentives and that such information must be included in the Annual Incentives Report. Current law requires the contractor performance validation to be reported within 6 months of completion. This requirement is deleted by the bill. (**Section 12, amends s. 288.1088, F.S.**)

Validation of contractor performance for the Innovation Incentive Program recipients is required to be included in the Annual Incentives Report. The current law requirement that a report on contractor performance be submitted within 90 days of an agreement's conclusion is repealed. (**Section 13, amends s. 288.1089, F.S.**)

Office of Film and Entertainment Annual Report

The bill changes the due date of the Office of Film and Entertainment's (OFE) Annual Report on the entertainment industry financial incentive program from October 1 to November 1. (**Section 16, amends s. 288.1254, F.S.**) The OFE Annual Report is also required to include the OFE expenditures report (**Section 15, amends s. 288.1253, F.S.**) and the report detailing the relationship between tax exemptions and incentives to industry. (**Section 17, amends s. 288.1258, F.S.**)

Space Florida Annual Report

The bill changes the due date for the Space Florida annual performance report from September 1 to November 30 (**Section 33, amends s. 331.3051, F.S.**), and requires the Space Florida annual operations report to be included in the performance report. (**Section 34, amends s. 331.310, F.S.**)

Florida Small Cities Community Development Block Grant (CDBG) Programs

Section 25 amends the legislative intent and purpose of the Small Cities Community Development Block Grant Program Act to include economic need as one of the factors to make a

Florida community eligible to participate in the program and includes economic development programs as an activity for such communities to undertake. (**amends s. 290.0411, F.S.**)

Section 26 amends s. 290.042, F.S., to clarify the definitions of "administrative closeout" and "person of low or moderate income" by including a reference to the definition used in the Code of Federal Regulations.

Program Funding and Distribution of Funds (**Section 27**)

The bill amends s. 290.044, F.S., to provide the DEO rule-making authority to establish guidelines to distribute the Small Cities CDBG program funds through a competitive selection process. The DEO is directed to define broad community development objectives for the distribution of CDBG funds that are consistent with the national objectives, as established by federal law. Current provisions requiring applicants to compete against each other in grant program categories and the categories themselves are repealed. CS/SB 1024 provides that emergency set-aside funds are to only be used when no other federal, state, or local disaster funds are available.

Section 108 Loan Guarantee Program (**Section 28**)

The bill focuses on reducing risks associated with the Section 108 loan guarantee program by amending s. 290.0455, F.S., to require an applicant approved by HUD to receive a Section 108 loan to enter into an agreement with the DEO which requires the applicant to pledge half the amount necessary to guarantee the loan in the event of default. The DEO must review all Section 108 loan applications in the order received, provided the applications meet all eligibility requirements and have been deemed financially feasible by a loan underwriter approved by the DEO. If the statewide maximum available for loan guarantees has not been met, the DEO may submit the application to HUD with a recommendation that the loan be approved, with or without conditions, or denied.

The bill reduces the maximum amount of an individual loan guarantee commitment from $7 to $5 million and decreases the maximum statewide amount of loan guarantees from five times to two times the amount the most recent grant received by the DEO under the Florida Small Cities CDBG Program. The $5 million loan guarantee limit does not apply to loans guaranteed prior to July 1, 2013, that may be refinanced.

If a local government defaults on a Section 108 loan requiring the DEO to reduce its annual grant award to pay the annual debt service on the loan, any future CDBG program funds that the local government receives must be reduced in the amount equal to the amount of the state's grant award used in payment of debt service on the loan.

If a local government, who has received a Section 108 loan through the Florida Small Cities CDBG Program, is granted entitlement community status by HUD, then the local government must pledge its entitlement allocation as a guarantee of its previous loan and request HUD to release the DEO as guarantor of the loan.

Grant Application Procedures and Requirements (**Section 29**)

Section 290.046, F.S., is amended to grant the DEO rule-making authority to establish application procedures for the Florida Small Cities CDBG Program. Eligible local governments may only submit one application for a noneconomic development project during an application cycle. An eligible local government may apply for an economic development grant up to three times each funding cycle and is permitted to have more than one open economic development grant.

The DEO is directed to establish minimum criteria pertaining to the number of jobs created for low or moderate income persons, the degree of private sector financial commitment, the economic feasibility of the proposed project, and any other criteria it deems appropriate. A grant may not be awarded until the DEO has completed a site visit to verify the information contained in the award application.

The DEO must rank each application received based on criteria established by rule. The rule must allow the DEO to consider factors such as community need, unemployment, poverty levels, low and moderate income populations, health and safety, and the condition of physical structures. The rankings must incorporate a procedure intended to reduce or eliminate any existing population-related bias that places exceptionally small communities at a competitive disadvantage.

Project funding must be determined by the rankings established in each application cycle. If, at the conclusion of a funding cycle, economic development funding remains, those funds will be awarded to eligible projects on a first-come, first-served basis until funding for this category is fully obligated.

The bill repeals the requirement that a local government establish a citizen advisory board to provide input relative to all phases of the project process. However, citizen participation provisions required by HUD are retained. Those provisions include conducting an initial public hearing to inform the public of the available funding opportunities and eliciting input on community needs; publishing a summary of the proposed application so that the public can examine the contents of the application and submit comments; and conducting a second public hearing to obtain public comment about the proposed application and make appropriate modifications.

Establishment of Grant Ceilings (**Section 30**)

The bill amends s. 290.047, F.S., to provide that the DEO must promulgate rules to establish grant ceilings, the maximum percentage of block grants funds that may be spent on administrative costs, and the grant administration procurement procedures for eligible local governments.

An eligible local government is prohibited from contracting with the same individual or business entity for more than one service to be performed in connection with a Small Cities CDBG, unless it can demonstrate that the individual or business entity is the sole source of the service or is the responsive proposer whose proposal is determined, in writing from a competitive process, to be

the most advantageous to the local government. The DEO must adopt a rule that provides a methodology to determine the maximum amount of block grant funds that an eligible local government may spend on architectural and engineering costs.

Rejection of Applications (**Section 31**)

The bill amends s. 290.0475, F.S., to update references to statutes and department rule. It repeals a provision that an application is deemed ineligible if it is found to contain a misrepresentation of information that is not attributable to a mathematical error that may be readily corrected by computation of numbers or formulas provided in the application.

General Powers of the Department (**Section 32**)

Section 290.048(5), F.S., which grants the DEO the power to adopt and enforce requirements concerning an applicant's written description of a service area, is repealed. Also repealed is s. 290.048(7), F.S., which grants the DEO the power to establish an advisory committee to solicit participation in the design, administration, and evaluation of the program.

Reemployment Assistance

The bill amends s. 443.091, F.S., to provide an exemption for those people unable to complete the online work registration due to illiteracy, physical or mental impairment, a legal prohibition from using a computer, or a language impediment from the online work registration. **(Section 35)**

The bill amends s. 443.1113, F.S., to extend the operational deadline for the Reemployment Assistance Claims and Benefits Information System to June 30, 2014. (**Section 36**)

The bill amends s. 443.131, F.S., to provide that no assessment will be levied against contributing employers if the amount of assessments on deposit, plus any earned interest, is at least 80 percent of the estimated amount of interest. The bill further provides that any assessments that remain on deposit, including associated interest, four months after all federal advances and associated interest have been repaid are to be transferred to the Unemployment Compensation Trust Fund. The provisions relating to interest assessments on federal advances will expire on July 1, 2014. (**Section 37**)

The bill amends s. 443.151, F.S., to impose a penalty equal to 15 percent of the amount overpaid, on any claimant who fraudulently receives reemployment benefits. (**Section 38**) This provision will bring Florida into compliance with federal law. Any amounts collected for penalties are to be deposited into the Unemployment Compensation Trust Fund. (**Section 39, amends s. 443.191, F.S.**)

Section 443.1715, F.S., is amended to restore penalties for the disclosure of confidential information that were inadvertently repealed in 2012. This provision will bring Florida into compliance with federal law. (**Section 40**)

Florida Tourism and Industry Marketing Corporation

Section 14 amends s. 288.1226, F.S., to provide that the Governor will serve as an ex-officio, non-voting member of the Board of Directors of the Florida Tourism and Industry Marketing Corporation (Visit Florida). According to information provided by the DEO to staff of the Senate Commerce and Tourism Committee on February 17, 2013: "This board designation removes any barriers to the Governor acting as a spokesperson for Florida tourism".

Section 42 provides an effective date of July 1, 2013.

Other Potential Implications:

The U.S. Department of Labor (USDOL) has broad oversight for the reemployment assistance program, including determining whether a state law conforms to federal unemployment insurance law and whether a state's administration of the program substantially complies with processes and procedures approved by the USDOL. States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with the FUTA or the Social Security Act requirements. When a state's law conforms to the requirements of the Social Security Act, the state is eligible to receive federal administrative grants to operate the state's program. When a state's law conforms to the requirements of the FUTA, employers in the state may receive a credit of up to 5.4 percent against the federal unemployment insurance tax rate of 6.0 percent.

The Secretary of USDOL is responsible for determining if a state's unemployment insurance law meets the requirements of federal law. Under the FUTA, the secretary annually certifies the state's compliance with federal requirements and this certification ensures that employers in the state are eligible for the full credit against the federal unemployment insurance tax.

Currently, Florida does not have a penalty for individuals who fraudulently collect unemployment benefits or a penalty for disclosing confidential information. Florida is at risk of being deemed out of conformity with federal law. If USDOL made such a finding, it would not certify the state's reemployment assistance program and could withhold all administrative funding or cause the employer federal tax rates to increase to the total 6.0 percent because of loss of the entire FUTA tax credit.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The transfer of any remaining funds to the Unemployment Compensation Trust Fund after the final federal interest payment is made may have a positive impact on employer contribution rates.

Revenues generated by the imposition and collection of the penalty created in the bill for fraudulently obtaining unemployment compensation benefits could have a positive impact on employer contribution rates.

B. Private Sector Impact:

If the amount of assessments collected in previous years to pay the interest due on federal advances is at least 80 percent of the estimated interest payment, the Department of Revenue may not make an assessment against employers, which would have a positive fiscal impact to the private sector.

To the extent that more eligible local governments apply for and receive funding for eligible activities under the Florida Small Cities CDBG Program, the private sector will benefit.

Also, see Tax/Fee Issues.

C. Government Sector Impact:

Failure to provide a penalty for individuals who fraudulently collect unemployment benefits or restore the penalty for disclosing confidential information puts Florida at risk of being deemed out of conformity with federal law. If USDOL made such a finding, it would not certify the state's reemployment assistance program and could withhold all administrative funding (approximately $77 million for Federal Fiscal Year 2013) or cause the employer federal tax rates to increase to the total 6.0 percent because of loss of the entire FUTA tax credit.

Imposing the 15 percent penalty upon individuals who fraudulently receive unemployment compensation benefits could have a positive impact to the Unemployment Compensation Trust Fund. According to the DEO, during Fiscal Year 2011-12, the DEO made 25,294 fraud determinations totaling $33.2 million in benefit overpayments. If these benefit overpayments had been subject to the 15 percent penalty, approximately $4.9 million could have been deposited in the Unemployment Compensation Trust Fund. Revenues generated by the imposition and collection of the penalty created in the bill could have a positive impact on employer contribution rates.

The provisions of the bill that streamline reporting requirements, delete duplicative reports, and consolidate reporting due dates may improve efficiencies and are not expected to have a fiscal impact to the Department of Economic Opportunity, Enterprise Florida, Inc., the Office of Film and Entertainment, or Space Florida.

The provisions of the bill that authorize the DEO to adopt rules to implement the revisions to the Florida Small Cities CDBG Program will have an indeterminate fiscal impact to the department. It is anticipated that this impact could be absorbed by the DEO within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill authorizes DEO to adopt rules relating to the guidelines for the distribution of Small Cities CDBG Program grants; application procedures; grant ceilings; the maximum percentage of funds which can be spent on administrative costs by a local government; and the methodology used to determine the maximum amount of funding that may be spent on architectural and engineering costs by an eligible local government.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 7, 2013:
The CS provides the $5 million loan guarantee limit for the Florida Small Cities Community Development Block Grant Program does not apply to loans guaranteed prior to July 1, 2013, that may be refinanced. The CS creates an exemption for people who are unable to complete the online work registration due to various stated reasons from having to complete the department's online work registration.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(1) The Office of Economic and Demographic Research and

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13 OPPAGA shall coordinate the development of a work plan for
14 completing the Economic Development Programs Evaluation and
15 shall submit the work plan to the President of the Senate and
16 the Speaker of the House of Representatives by July 1, 2013.
17 (2) The Office of Economic and Demographic Research and
18 OPPAGA shall provide a detailed analysis of economic development
19 programs as provided in the following schedule:
20 (a) By January 1, 2014, and every 3 years thereafter, an
21 analysis of the following:
22 1. The capital investment tax credit established under s.
23 220.191, Florida Statutes.
24 2. The qualified target industry tax refund established
25 under s. 288.106, Florida Statutes.
26 3. The brownfield redevelopment bonus refund established
27 under s. 288.107, Florida Statutes.
28 4. High-impact business performance grants established
29 under s. 288.108, Florida Statutes.
30 5. The Quick Action Closing Fund established under s.
31 288.1088, Florida Statutes.
32 6. The Innovation Incentive Program established under s.
33 288.1089, Florida Statutes.
34 7. Enterprise Zone Program incentives established under ss.
35 212.08(5), 212.08(15), 212.096, 220.181, and 220.182, Florida
36 Statutes.
37 (b) By January 1, 2015, and every 3 years thereafter, an
38 analysis of the following:
39 1. The entertainment industry financial incentive program
40 established under s. 288.1254, Florida Statutes.
41 2. The entertainment industry sales tax exemption program

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42 established under s. 288.1258, Florida Statutes.
43 3. VISIT Florida and its programs established or funded
44 under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida
45 Statutes.
46 4. The Florida Sports Foundation and related programs
47 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
48 288.1168, 288.1169, and 288.1171, Florida Statutes.
49 (c) By January 1, 2016, and every 3 years thereafter, an
50 analysis of the following:
51 1. The qualified defense contractor and space flight
52 business tax refund program established under s. 288.1045,
53 Florida Statutes.
54 2. The tax exemption for semiconductor, defense, or space
55 technology sales established under s. 212.08(5)(j), Florida
56 Statutes.
57 3. The Military Base Protection Program established under
58 s. 288.980, Florida Statutes.
59 4. The Manufacturing and Spaceport Investment Incentive
60 Program established under s. 288.1083, Florida Statutes.
61 5. The Quick Response Training Program established under s.
62 288.047, Florida Statutes.
63 6. The Incumbent Worker Training Program established under
64 s. 445.003, Florida Statutes.
65 7. International trade and business development programs
66 established or funded under s. 288.826, Florida Statutes.
67 (3) Pursuant to the schedule established in subsection (2),
68 the Office of Economic and Demographic Research shall evaluate
69 and determine the economic benefits, as defined in s. 288.005,
70 Florida Statutes, of each program over the previous 3 years. The

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71 analysis must also evaluate the number of jobs created, the
72 increase or decrease in personal income, and the impact on state
73 gross domestic product from the direct, indirect, and induced
74 effects of the state's investment in each program over the
75 previous 3 years.
76 (a) For the purpose of evaluating tax credits, tax refunds,
77 sales tax exemptions, cash grants, and similar programs, the
78 Office of Economic and Demographic Research shall evaluate data
79 only from those projects in which businesses received state
80 funds during the evaluation period. Such projects may be fully
81 completed, partially completed with future fund disbursal
82 possible pending performance measures, or partially completed
83 with no future fund disbursal possible as a result of a
84 business's inability to meet performance measures.
85 (b) The analysis must use the model developed by the Office
86 of Economic and Demographic Research, as required in s. 216.138,
87 Florida Statutes, to evaluate each program. The office shall
88 provide a written explanation of the key assumptions of the
89 model and how it is used. If the office finds that another
90 evaluation model is more appropriate to evaluate a program, it
91 may use another model, but it must provide an explanation as to
92 why the selected model was more appropriate.
93 (4) Pursuant to the schedule established in subsection (2),
94 OPPAGA shall evaluate each program over the previous 3 years for
95 its effectiveness and value to the taxpayers of this state and
96 include recommendations on each program for consideration by the
97 Legislature. The analysis may include relevant economic
98 development reports or analyses prepared by the Department of
99 Economic Opportunity, Enterprise Florida, Inc., or local or

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100 regional economic development organizations; interviews with the
101 parties involved; or any other relevant data.
102 (5) The Office of Economic and Demographic Research and
103 OPPAGA must be given access to all data necessary to complete
104 the Economic Development Programs Evaluation, including any
105 confidential data. The offices may collaborate on data
106 collection and analysis.
107 Section 2. Subsection (10) of section 20.60, Florida
108 Statutes, is amended to read:
109 20.60 Department of Economic Opportunity; creation; powers
110 and duties.—
111 (10) The department, with assistance from Enterprise
112 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
113 submit an annual report to the Governor, the President of the
114 Senate, and the Speaker of the House of Representatives on the
115 condition of the business climate and economic development in
116 the state.
117 (a) The report must ~~shall~~ include the identification of
118 problems and a prioritized list of recommendations.
119 (b) The report must incorporate annual reports of other
120 programs, including:
121 1. The displaced homemaker program established under s.
122 446.50.
123 2. Information provided by the Department of Revenue under
124 s. 290.014.
125 3. Information provided by enterprise zone development
126 agencies under s. 290.0056 and an analysis of the activities and
127 accomplishments of each enterprise zone.
128 4. The Economic Gardening Business Loan Pilot Program

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129 established under s. 288.1081 and the Economic Gardening
130 Technical Assistance Pilot Program established under s.
131 288.1082.
132 5. A detailed report of the performance of the Black
133 Business Loan Program and a cumulative summary of quarterly
134 report data required under s. 288.714.
135 6. The Rural Economic Development Initiative established
136 under s. 288.0656.
137 Section 3. Paragraph (c) of subsection (1) of section
138 201.15, Florida Statutes, is amended to read:
139 201.15 Distribution of taxes collected.—All taxes collected
140 under this chapter are subject to the service charge imposed in
141 s. 215.20(1). Prior to distribution under this section, the
142 Department of Revenue shall deduct amounts necessary to pay the
143 costs of the collection and enforcement of the tax levied by
144 this chapter. Such costs and the service charge may not be
145 levied against any portion of taxes pledged to debt service on
146 bonds to the extent that the costs and service charge are
147 required to pay any amounts relating to the bonds. After
148 distributions are made pursuant to subsection (1), all of the
149 costs of the collection and enforcement of the tax levied by
150 this chapter and the service charge shall be available and
151 transferred to the extent necessary to pay debt service and any
152 other amounts payable with respect to bonds authorized before
153 January 1, 2013, secured by revenues distributed pursuant to
154 subsection (1). All taxes remaining after deduction of costs and
155 the service charge shall be distributed as follows:
156 (1) Sixty-three and thirty-one hundredths percent of the
157 remaining taxes shall be used for the following purposes:

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158 (c) After the required payments under paragraphs (a) and
159 (b), the remainder shall be paid into the State Treasury to the
160 credit of:
161 1. The State Transportation Trust Fund in the Department of
162 Transportation in the amount of the lesser of 38.2 percent of
163 the remainder or $541.75 million in each fiscal year. Out of
164 such funds, the first $50 million for the 2012-2013 fiscal year;
165 $65 million for the 2013-2014 fiscal year; and $75 million for
166 the 2014-2015 fiscal year and all subsequent years, shall be
167 transferred to the State Economic Enhancement and Development
168 Trust Fund within the Department of Economic Opportunity. The
169 remainder is to be used for the following specified purposes,
170 notwithstanding any other law to the contrary:
171 a. For the purposes of capital funding for the New Starts
172 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
173 specified in s. 341.051, 10 percent of these funds;
174 b. For the purposes of the Small County Outreach Program
175 specified in s. 339.2818, 5 percent of these funds. Effective
176 July 1, 2014, the percentage allocated under this sub-
177 subparagraph shall be increased to 10 percent;
178 c. For the purposes of the Strategic Intermodal System
179 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
180 of these funds after allocating for the New Starts Transit
181 Program described in sub-subparagraph a. and the Small County
182 Outreach Program described in sub-subparagraph b.; and
183 d. For the purposes of the Transportation Regional
184 Incentive Program specified in s. 339.2819, 25 percent of these
185 funds after allocating for the New Starts Transit Program
186 described in sub-subparagraph a. and the Small County Outreach

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187 Program described in sub-subparagraph b. Effective July 1, 2014,
188 the first $60 million of the funds allocated pursuant to this
189 sub-subparagraph shall be allocated annually to the Florida Rail
190 Enterprise for the purposes established in s. 341.303(5).
191 2. The Grants and Donations Trust Fund in the Department of
192 Economic Opportunity in the amount of the lesser of .23 percent
193 of the remainder or $3.25 million in each fiscal year to fund
194 technical assistance to local governments ~~and school boards on~~
195 ~~the requirements and implementation of this act~~.
196 3. The Ecosystem Management and Restoration Trust Fund in
197 the amount of the lesser of 2.12 percent of the remainder or $30
198 million in each fiscal year, to be used for the preservation and
199 repair of the state's beaches as provided in ss. 161.091-
200 161.212.
201 4. General Inspection Trust Fund in the amount of the
202 lesser of .02 percent of the remainder or $300,000 in each
203 fiscal year to be used to fund oyster management and restoration
204 programs as provided in s. 379.362(3).
205
206 Moneys distributed pursuant to this paragraph may not be pledged
207 for debt service unless such pledge is approved by referendum of
208 the voters.
209 Section 4. Paragraph (bb) is added to subsection (8) of
210 section 213.053, Florida Statutes, to read:
211 213.053 Confidentiality and information sharing.—
212 (8) Notwithstanding any other provision of this section,
213 the department may provide:
214 <u>(bb) Information to the director of the Office of Program</u>
215 <u>Policy Analysis and Government Accountability or his or her</u>

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216 authorized agent, and to the coordinator of the Office of
217 Economic and Demographic Research or his or her authorized
218 agent, for purposes of completing the Economic Development
219 Programs Evaluation. Information obtained from the department
220 pursuant to this paragraph may be shared by the director and the
221 coordinator, or the director's or coordinator's authorized
222 agent, for purposes of completing the Economic Development
223 Programs Evaluation.
224
225 Disclosure of information under this subsection shall be
226 pursuant to a written agreement between the executive director
227 and the agency. Such agencies, governmental or nongovernmental,
228 shall be bound by the same requirements of confidentiality as
229 the Department of Revenue. Breach of confidentiality is a
230 misdemeanor of the first degree, punishable as provided by s.
231 775.082 or s. 775.083.
232 Section 5. Subsection (9) of section 220.194, Florida
233 Statutes, is amended to read:
234 220.194 Corporate income tax credits for spaceflight
235 projects.—
236 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
237 Economic Opportunity, in cooperation with Space Florida and the
238 department, shall include in the ~~submit an~~ annual incentives
239 report required under s. 288.907 a summary of ~~summarizing~~
240 activities relating to the Florida Space Business Incentives Act
241 established under this section ~~to the Governor, the President of~~
242 ~~the Senate, and the Speaker of the House of Representatives by~~
243 ~~each November 30~~.
244 Section 6. Section 288.001, Florida Statutes, is amended to

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245 read:
246 288.001 The Florida Small Business Development Center
247 Network~~; purpose~~.—
248 (1) PURPOSE.—The Florida Small Business Development Center
249 Network is the principal business assistance organization for
250 small businesses in the state. The purpose of the network is to
251 serve emerging and established for-profit, privately held
252 businesses that maintain a place of business in the state.
253 (2) DEFINITIONS.—As used in this section, the term:
254 (a) "Board of Governors" is the Board of Governors of the
255 State University System.
256 (b) "Host institution" is the university designated by the
257 Board of Governors to be the recipient organization in
258 accordance with 13 C.F.R. s. 130.200.
259 (c) "Network" means the Florida Small Business Development
260 Center Network.
261 (3) OPERATION; POLICIES AND PROGRAMS.—
262 (a) The network's statewide director shall operate the
263 network in compliance with the federal laws and regulations
264 governing the network and the Board of Governors Regulation
265 10.015.
266 (b) The network's statewide director shall consult with the
267 Board of Governors, the department, and the network's statewide
268 advisory board to ensure that the network's policies and
269 programs align with the statewide goals of the State University
270 System and the statewide strategic economic development plan as
271 provided under s. 20.60.
272 (4) STATEWIDE ADVISORY BOARD.—
273 (a) The network shall maintain a statewide advisory board

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274 to advise, counsel, and confer with the statewide director on
275 matters pertaining to the operation of the network.
276 (b) The statewide advisory board shall consist of 19
277 members from across the state. At least 12 members must be
278 representatives of the private sector who are knowledgeable of
279 the needs and challenges of small businesses. The members must
280 represent various segments and industries of the economy in this
281 state and must bring knowledge and skills to the statewide
282 advisory board which would enhance the board's collective
283 knowledge of small business assistance needs and challenges.
284 Minority and gender representation must be considered when
285 making appointments to the board. The board must include the
286 following members:
287 1. Three members appointed from the private sector by the
288 President of the Senate.
289 2. Three members appointed from the private sector by the
290 Speaker of the House of Representatives.
291 3. Three members appointed from the private sector by the
292 Governor.
293 4. Three members appointed from the private sector by the
294 network's statewide director.
295 5. One member appointed by the host institution.
296 6. The President of Enterprise Florida, Inc., or his or her
297 designee.
298 7. The Chief Financial Officer or his or her designee.
299 8. The President of the Florida Chamber of Commerce or his
300 or her designee.
301 9. The Small Business Development Center Project Officer
302 from the U.S. Small Business Administration at the South Florida

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303 District Office or his or her designee.
304 10. The executive director of the National Federation of
305 Independent Businesses, Florida, or his or her designee.
306 11. The executive director of the Florida United Business
307 Association or his or her designee.
308 (c) The term of an appointed member shall be for 4 years,
309 beginning August 1, 2013, except that at the time of initial
310 appointments, two members appointed by the Governor, one member
311 appointed by the President of the Senate, one member appointed
312 by the Speaker of the House of Representatives, and one member
313 appointed by the network's statewide director shall be appointed
314 for 2 years. An appointed member may be reappointed to a
315 subsequent term. Members of the statewide advisory board may not
316 receive compensation but may be reimbursed for per diem and
317 travel expenses in accordance with s. 112.061.
318 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—
319 (a) The statewide director, in consultation with the
320 advisory board, shall develop support services that are
321 delivered through regional small business development centers.
322 Support services must target the needs of businesses that employ
323 fewer than 100 persons and demonstrate an assessed capacity to
324 grow in employment or revenue.
325 (b) Support services must include, but need not be limited
326 to, providing information or research, consulting, educating, or
327 assisting businesses in the following activities:
328 1. Planning related to the start-up, operation, or
329 expansion of a small business enterprise in this state. Such
330 activities include providing guidance on business formation,
331 structure, management, registration, regulation, and taxes.

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332 2. Developing and implementing strategic or business plans.
333 Such activities include analyzing a business's mission, vision,
334 strategies, and goals; critiquing the overall plan; and creating
335 performance measures.
336 3. Developing the financial literacy of existing businesses
337 related to their business cash flow and financial management
338 plans. Such activities include conducting financial analysis
339 health checks, assessing cost control management techniques, and
340 building financial management strategies and solutions.
341 4. Developing and implementing plans for existing
342 businesses to access or expand to new or existing markets. Such
343 activities include conducting market research, researching and
344 identifying expansion opportunities in international markets,
345 and identifying opportunities in selling to units of government.
346 5. Supporting access to capital for business investment and
347 expansion. Such activities include providing technical
348 assistance relating to obtaining surety bonds; identifying and
349 assessing potential debt or equity investors or other financing
350 opportunities; assisting in the preparation of applications,
351 projections, or pro forma or other support documentation for
352 surety bond, loan, financing, or investment requests; and
353 facilitating conferences with lenders or investors.
354 6. Assisting existing businesses to plan for a natural or
355 man-made disaster, and assisting businesses when such an event
356 occurs. Such activities include creating business continuity and
357 disaster plans, preparing disaster and bridge loan applications,
358 and carrying out other emergency support functions.
359 (c) A business receiving support services must agree to
360 participate in assessments of such services. The agreement, at a

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361 minimum, must request the business to report demographic
362 characteristics, changes in employment and sales, debt and
363 equity capital attained, and government contracts acquired. The
364 host institution may require additional reporting requirements
365 for funding described in subsection (7).
366 (6) REQUIRED MATCH.—The network must provide a match equal
367 to the total amount of any direct legislative appropriation
368 which is received directly by the host institution and is
369 specifically designated for the network. The match may include
370 funds from federal or other nonstate funding sources designated
371 for the network. At least 50 percent of the match must be cash.
372 The remaining 50 percent may be provided through any allowable
373 combination of additional cash, in-kind contributions, or
374 indirect costs.
375 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
376 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
377 PRACTICES; ELIGIBILITY.—
378 (a) The statewide director, in coordination with the host
379 institution, shall establish a pay-per-performance incentive for
380 regional small business development centers. Such incentive
381 shall be funded from half of any state appropriation received
382 directly by the host institution, which appropriation is
383 specifically designated for the network. These funds shall be
384 distributed to the regional small business development centers
385 based upon data collected from the businesses as provided under
386 paragraph (5)(c). The distribution formula must provide for the
387 distribution of funds in part on the gross number of jobs
388 created annually by each center and in part on the number of
389 jobs created per support service hour. The pay-per-performance

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390 incentive must supplement the operations and support services of
391 each regional small business development center, and may not
392 reduce matching funds dedicated to the regional small business
393 development center.
394 (b) Half of any state funds received directly by the host
395 institution which are specifically designated for the network
396 shall be distributed by the statewide director, in coordination
397 with the advisory board, for the following purposes:
398 1. Ensuring that support services are available statewide,
399 especially in underserved and rural areas of the state, to
400 assist eligible businesses;
401 2. Enhancing participation in the network among state
402 universities and colleges; and
403 3. Facilitating the adoption of innovative small business
404 assistance best practices by the regional small business
405 development centers.
406 (c) The statewide director, in coordination with the
407 advisory board, shall develop annual programs to distribute
408 funds for each of the purposes described in paragraph (b). The
409 network shall announce the annual amount of available funds for
410 each program, performance expectations, and other requirements.
411 For each program, the statewide director shall present
412 applications and recommendations to the advisory board. The
413 advisory board shall make the final approval of applications.
414 Approved applications must be publicly posted. At a minimum,
415 programs must include:
416 1. New regional small business development centers; and
417 2. Awards for the top six regional small business
418 development centers that adopt best practices, as determined by

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419 the advisory board. Detailed information about best practices
420 must be made available to regional small business development
421 centers for voluntary implementation.
422 (d) A regional small business development center that has
423 been found by the statewide director to perform poorly, to
424 engage in improper activity affecting the operation and
425 integrity of the network, or to fail to follow the rules and
426 procedures set forth in the laws, regulations, and policies
427 governing the network, is not eligible for funds under this
428 subsection.
429 (e) Funds awarded under this subsection may not reduce
430 matching funds dedicated to the regional small business
431 development centers.
432 (8) REPORTING.—
433 (a) The statewide director shall quarterly update the Board
434 of Governors, the department, and the advisory board on the
435 network's progress and outcomes, including aggregate information
436 on businesses assisted by the network.
437 (b) The statewide director, in coordination with the
438 advisory board, shall annually report, on June 30, to the
439 President of the Senate and the Speaker of the House of
440 Representatives on the network's progress and outcomes for the
441 previous fiscal year. The report must include aggregate
442 information on businesses assisted by the network, network
443 services and programs, the use of funds specifically dedicated
444 to the network, and the network's economic benefit to the state.
445 The report must contain specific information on performance-
446 based metrics and contain the methodology used to calculate the
447 network's economic benefit to the state.

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448 Section 7. Subsection (4) is added to section 288.005,
449 Florida Statutes, to read:
450 288.005 Definitions.—As used in this chapter, the term:
451 (4) "Jobs" means full-time equivalent positions, including,
452 but not limited to, positions obtained from a temporary
453 employment agency or employee leasing company or through a union
454 agreement or coemployment under a professional employer
455 organization agreement, which result directly from a project in
456 this state. This number does not include temporary construction
457 jobs involved with the construction of facilities for the
458 project.
459 Section 8. Subsection (3) of section 288.012, Florida
460 Statutes, is amended to read:
461 288.012 State of Florida international offices; state
462 protocol officer; protocol manual.—The Legislature finds that
463 the expansion of international trade and tourism is vital to the
464 overall health and growth of the economy of this state. This
465 expansion is hampered by the lack of technical and business
466 assistance, financial assistance, and information services for
467 businesses in this state. The Legislature finds that these
468 businesses could be assisted by providing these services at
469 State of Florida international offices. The Legislature further
470 finds that the accessibility and provision of services at these
471 offices can be enhanced through cooperative agreements or
472 strategic alliances between private businesses and state, local,
473 and international governmental entities.
474 (3) ~~By October 1 of each year,~~ Each international office
475 shall annually submit to Enterprise Florida, Inc., ~~the~~
476 ~~department~~ a complete and detailed report on its activities and

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477 accomplishments during the previous ~~preceding~~ fiscal year for
478 inclusion in the annual report required under s. 288.906. In the
479 ~~a~~ format and by the annual date prescribed ~~provided~~ by
480 Enterprise Florida, Inc., the report must set forth information
481 on:
482 (a) The number of Florida companies assisted.
483 (b) The number of inquiries received about investment
484 opportunities in this state.
485 (c) The number of trade leads generated.
486 (d) The number of investment projects announced.
487 (e) The estimated U.S. dollar value of sales confirmations.
488 (f) The number of representation agreements.
489 (g) The number of company consultations.
490 (h) Barriers or other issues affecting the effective
491 operation of the office.
492 (i) Changes in office operations which are planned for the
493 current fiscal year.
494 (j) Marketing activities conducted.
495 (k) Strategic alliances formed with organizations in the
496 country in which the office is located.
497 (l) Activities conducted with Florida’s other international
498 offices.
499 (m) Any other information that the office believes would
500 contribute to an understanding of its activities.
501 Section 9. Section 288.061, Florida Statutes, is amended to
502 read:
503 288.061 Economic development incentive application
504 process.—
505 (1) Upon receiving a submitted economic development

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506 incentive application, the Division of Strategic Business
507 Development of the Department of Economic Opportunity and
508 designated staff of Enterprise Florida, Inc., shall review the
509 application to ensure that the application is complete, whether
510 and what type of state and local permits may be necessary for
511 the applicant's project, whether it is possible to waive such
512 permits, and what state incentives and amounts of such
513 incentives may be available to the applicant. The department
514 shall recommend to the executive director to approve or
515 disapprove an applicant business. If review of the application
516 demonstrates that the application is incomplete, the executive
517 director shall notify the applicant business within the first 5
518 business days after receiving the application.
519 (2) Beginning July 1, 2013, the department shall review and
520 evaluate each economic development incentive application for the
521 economic benefits of the proposed award of state incentives
522 proposed for the project. The term "economic benefits" has the
523 same meaning as in s. 288.005. The Office of Economic and
524 Demographic Research shall review and evaluate the methodology
525 and model used to calculate the economic benefits. For purposes
526 of this requirement, an amended definition of economic benefits
527 may be developed in conjunction with the Office of Economic and
528 Demographic Research. The Office of Economic and Demographic
529 Research shall report on the methodology and model by September
530 1, 2013, and every third year thereafter, to the President of
531 the Senate and the Speaker of the House of Representatives.
532 (3) ~~(2)~~ Within 10 business days after the department
533 receives the submitted economic development incentive
534 application, the executive director shall approve or disapprove

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535 the application and issue a letter of certification to the
536 applicant which includes a justification of that decision,
537 unless the business requests an extension of that time.
538 (a) The contract or agreement with the applicant must ~~shall~~
539 specify the total amount of the award, the performance
540 conditions that must be met to obtain the award, the schedule
541 for payment, and sanctions that would apply for failure to meet
542 performance conditions. The department may enter into one
543 agreement or contract covering all of the state incentives that
544 are being provided to the applicant. The contract must provide
545 that release of funds is contingent upon sufficient
546 appropriation of funds by the Legislature.
547 (b) The release of funds for the incentive or incentives
548 awarded to the applicant depends upon the statutory requirements
549 of the particular incentive program, except as provided in
550 subsection (4).
551 (4)(a) In order to receive an incentive under s. 288.1088
552 or s. 288.1089, an applicant must provide the department with a
553 surety bond, issued by an insurer authorized to do business in
554 this state, for the amount of the award under the incentive
555 contract or agreement. Funds may not be paid to an applicant
556 until the department certifies compliance with this subsection.
557 1. The contract or agreement must provide that the bond
558 remain in effect until all performance conditions in the
559 contract or agreement have been satisfied. The department may
560 require the bond to cover the entire amount of the contract or
561 agreement or allow for a bond to be renewed upon the completion
562 of scheduled performance measurements specified in the contract
563 or agreement. The contract or agreement must provide that the

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564 release of any funds is contingent upon receipt by the
565 department of the surety bond.
566 2. The contract or agreement must provide that up to half
567 of the premium payment on the surety bond may be paid from the
568 award amount, not to exceed 3 percent of the award.
569 3. The applicant shall notify the department at least 10
570 days before each premium payment is due.
571 4. Any notice of cancellation or nonrenewal issued by an
572 insurer must comply with the notice requirements of s. 626.9201.
573 If the applicant receives a notice of cancellation or
574 nonrenewal, the applicant must immediately notify the
575 department.
576 5. The cancellation of the surety bond is a violation of
577 the contract or agreement between the applicant and the
578 department. The department is released from any obligation to
579 make future scheduled payments unless the applicant is able to
580 secure a new surety bond or comply with the requirements of
581 paragraphs (b) and (c) within 90 days before the effective date
582 of the cancellation.
583 (b) If an applicant is unable to secure a surety bond or
584 can demonstrate that obtaining a bond is unreasonable in cost,
585 the department may waive the requirements specified in paragraph
586 (a) by certifying in writing to the Governor, President of the
587 Senate, and Speaker of the House of Representatives the
588 following information:
589 1. An explanation stating the reasons why the applicant
590 could not obtain a bond, to the extent such information is not
591 confidential under s. 288.075;
592 2. A description of the economic benefits expected to be

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593 generated by the incentive award which indicates that the
594 project warrants waiver of the requirement; and
595 3. An evaluation of the quality and value of the applicant
596 which supports the selection of the alternative securitization
597 under paragraph (c). The department's evaluation must consider
598 the following information when determining the form for securing
599 the award amount:
600 a. A financial analysis of the company, including an
601 evaluation of the company's short-term liquidity ratio as
602 measured by its assets to liability, the company's profitability
603 ratio, and the company's long-term solvency as measured by its
604 debt-to-equity ratio;
605 b. The historical market performance of the company;
606 c. Any independent evaluations of the company;
607 d. The latest audit of the company's financial statement
608 and the related auditor's management letter; and
609 e. Any other types of reports that are related to the
610 internal controls or management of the company.
611 (c)1. If the department grants a waiver under paragraph
612 (b), the incentives contract or agreement must provide for
613 securing the award amount in one of the following forms:
614 a. An irrevocable letter of credit issued by a financial
615 institution, as defined in s. 655.005;
616 b. Cash or securities held in trust by a financial
617 institution, as defined in s. 655.005, and subject to a control
618 agreement; or
619 c. A secured transaction in collateral under the control or
620 possession of the applicant for the value of the award amount.
621 The department is authorized to negotiate the terms and

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622 conditions of the security agreement.
623 2. The contract or agreement must provide that the release
624 of any funds is contingent upon the receipt of documentation by
625 the department which satisfies all of the requirements found in
626 this paragraph. Funds may not be paid to the applicant until the
627 department certifies compliance with this subsection.
628 3. The irrevocable letter of credit, trust, or security
629 agreement must remain in effect until all performance conditions
630 specified in the contract or agreement have been satisfied.
631 Failure to comply with this provision results in a violation of
632 the contract or agreement between the applicant and the
633 department and releases the department from any obligation to
634 make future scheduled payments.
635 (d) The department may waive the requirements of paragraphs
636 (a) through (c) by certifying to the Governor and the chair and
637 vice chair of the Legislative Budget Commission the following
638 information:
639 1. The applicant demonstrates the financial ability to
640 fulfill the requirements of the contract and has submitted an
641 independently audited financial statement for the previous 5
642 years;
643 2. If applicable, the applicant was previously a recipient
644 of an incentive under an economic development program, was
645 subject to clawback requirements, and timely complied with those
646 provisions; and
647 3. The department has determined that waiver of the
648 requirements of paragraphs (a) through (c) is in the best
649 interest of the state.
650 (e) For waivers granted under paragraph (d), the department

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651 shall provide a written description and evaluation of the waiver
652 to the chair and vice chair of the Legislative Budget
653 Commission. Such information may be provided at the same time
654 that the information for the project consultation is provided to
655 the Legislative Budget Commission under s. 288.1088 or s.
656 288.1089. If the chair or vice chair of the Legislative Budget
657 Commission timely advises the department that such action or
658 proposed action exceeds delegated authority or is contrary to
659 legislative policy or intent, the department shall void the
660 waiver until the Legislative Budget Commission or the
661 Legislature addresses the issue. A waiver granted by the
662 department for any project exceeding $5 million must be approved
663 by the Legislative Budget Commission.
664 (f) The provisions of this subsection shall apply to any
665 contract entered into on or after July 1, 2013.
666 (5) In the event of default on the performance conditions
667 specified in the contract or agreement, or violation of any of
668 the provisions found in this section, the state may, in addition
669 to any other remedy provided by law, bring suit to enforce its
670 interest.
671 (6) ~~(3)~~ The department shall validate contractor performance
672 and report ~~.~~ such ~~Such~~ validation ~~shall be reported~~ in the annual
673 incentives ~~incentive~~ report required under s. 288.907.
674 (7) The department is authorized to adopt rules to
675 implement this section.
676 Section 10. Subsection (8) of section 288.0656, Florida
677 Statutes, is amended to read:
678 288.0656 Rural Economic Development Initiative.—
679 (8) REDI shall submit a report to the department ~~Governor,~~

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680 ~~the President of the Senate, and the Speaker of the House of~~
681 ~~Representatives each year on or before September 1~~ on all REDI
682 activities for the previous ~~prior~~ fiscal year as a supplement to
683 the department's annual report required under s. 20.60. This
684 supplementary report must ~~shall~~ include:
685 (a) A status report on all projects currently being
686 coordinated through REDI, the number of preferential awards and
687 allowances made pursuant to this section, the dollar amount of
688 such awards, and the names of the recipients.
689 (b) ~~The report shall also include~~ A description of all
690 waivers of program requirements granted.
691 (c) ~~The report shall also include~~ Information as to the
692 economic impact of the projects coordinated by REDI.~~, and~~
693 (d) Recommendations based on the review and evaluation of
694 statutes and rules having an adverse impact on rural
695 communities~~,~~ and proposals to mitigate such adverse impacts.
696 Section 11. Paragraph (c) of subsection (3) of section
697 288.095, Florida Statutes, is repealed.
698 Section 12. Paragraph (c) of subsection (4) and paragraph
699 (d) of subsection (7) of section 288.106, Florida Statutes, are
700 amended to read:
701 288.106 Tax refund program for qualified target industry
702 businesses.—
703 (4) APPLICATION AND APPROVAL PROCESS.—
704 (c) Each application meeting the requirements of paragraph
705 (b) must be submitted to the department for determination of
706 eligibility. The department shall review and evaluate each
707 application based on, but not limited to, the following
708 criteria:

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709 1. Expected contributions to the state's economy,
710 consistent with the state strategic economic development plan
711 prepared by the department.
712 2. The economic benefits of the proposed award of tax
713 refunds under this section ~~and the economic benefits of state~~
714 ~~incentives proposed for the project~~. ~~The term "economic~~
715 ~~benefits" has the same meaning as in s. 288.005. The Office of~~
716 ~~Economic and Demographic Research shall review and evaluate the~~
717 ~~methodology and model used to calculate the economic benefits~~
718 ~~and shall report its findings by September 1 of every 3rd year,~~
719 ~~to the President of the Senate and the Speaker of the House of~~
720 ~~Representatives.~~
721 3. The amount of capital investment to be made by the
722 applicant in this state.
723 4. The local financial commitment and support for the
724 project.
725 5. The expected effect of the project on the unemployed and
726 underemployed ~~unemployment rate~~ in the county where the project
727 will be located.
728 6. The expected effect of the award on the viability of the
729 project and the probability that the project would be undertaken
730 in this state if such tax refunds are granted to the applicant.
731 ~~7. The expected long-term commitment of the applicant to~~
732 ~~economic growth and employment in this state resulting from the~~
733 ~~project.~~
734 7.~~8.~~ A review of the business's past activities in this
735 state or other states, including whether the ~~such~~ business has
736 been subjected to criminal or civil fines and penalties and
737 whether the business received economic development incentives in

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738 other states and the results of such incentive agreements. This
739 subparagraph does not require the disclosure of confidential
740 information.
741 (7) ADMINISTRATION.—
742 (d) Beginning with tax refund agreements signed after July
743 1, 2010, the department shall attempt to ascertain the causes
744 for any business's failure to complete its agreement and ~~shall~~
745 ~~report~~ its findings and recommendations must be included in the
746 annual incentives report under s. 288.907 ~~to the Governor, the~~
747 ~~President of the Senate, and the Speaker of the House of~~
748 ~~Representatives~~. ~~The report shall be submitted by December 1 of~~
749 ~~each year beginning in 2011.~~
750 Section 13. Subsection (8) of section 288.1081, Florida
751 Statutes, is amended to read:
752 288.1081 Economic Gardening Business Loan Pilot Program.—
753 (8) The annual report required under s. 20.60 must describe
754 ~~On June 30 and December 31 of each year, the department shall~~
755 ~~submit a report to the Governor, the President of the Senate,~~
756 ~~and the Speaker of the House of Representatives which describes~~
757 in detail the use of the loan funds. The report must include, at
758 a minimum, the number of businesses receiving loans, the number
759 of full-time equivalent jobs created as a result of the loans,
760 the amount of wages paid to employees in the newly created jobs,
761 the locations and types of economic activity undertaken by the
762 borrowers, the amounts of loan repayments made to date, and the
763 default rate of borrowers.
764 Section 14. Subsection (8) of section 288.1082, Florida
765 Statutes, is amended to read:
766 288.1082 Economic Gardening Technical Assistance Pilot

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767 Program.—
768 (8) The annual report required under s. 20.60 must describe
769 ~~On December 31 of each year, the department shall submit a~~
770 ~~report to the Governor, the President of the Senate, and the~~
771 ~~Speaker of the House of Representatives which describes~~ in
772 detail the progress of the pilot program. The report must
773 include, at a minimum, the number of businesses receiving
774 assistance, the number of full-time equivalent jobs created as a
775 result of the assistance, if any, the amount of wages paid to
776 employees in the newly created jobs, and the locations and types
777 of economic activity undertaken by the businesses.
778 Section 15. Paragraph (e) of subsection (3) of section
779 288.1088, Florida Statutes, is amended to read:
780 288.1088 Quick Action Closing Fund.—
781 (3)
782 (e) The department ~~Enterprise Florida, Inc.,~~ shall validate
783 contractor performance and report~~.~~ such validation in the annual
784 incentives report required under s. 288.907 ~~shall be reported~~
785 ~~within 6 months after completion of the contract to the~~
786 ~~Governor, President of the Senate, and the Speaker of the House~~
787 ~~of Representatives~~.
788 Section 16. Paragraphs (b) and (d) of subsection (4), and
789 subsections (9) and (11) of section 288.1089, Florida Statutes,
790 are amended to read:
791 288.1089 Innovation Incentive Program.—
792 (4) To qualify for review by the department, the applicant
793 must, at a minimum, establish the following to the satisfaction
794 of the department:
795 (b) A research and development project must:

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796 1. Serve as a catalyst for an emerging or evolving
797 technology cluster.
798 2. Demonstrate a plan for significant higher education
799 collaboration.
800 3. Provide the state, at a minimum, a cumulative break-even
801 economic benefit ~~return on investment~~ within a 20-year period.
802 4. Be provided with a one-to-one match from the local
803 community. The match requirement may be reduced or waived in
804 rural areas of critical economic concern or reduced in rural
805 areas, brownfield areas, and enterprise zones.
806 (d) For an alternative and renewable energy project in this
807 state, the project must:
808 1. Demonstrate a plan for significant collaboration with an
809 institution of higher education;
810 2. Provide the state, at a minimum, a cumulative break-even
811 economic benefit ~~return on investment~~ within a 20-year period;
812 3. Include matching funds provided by the applicant or
813 other available sources. The match requirement may be reduced or
814 waived in rural areas of critical economic concern or reduced in
815 rural areas, brownfield areas, and enterprise zones;
816 4. Be located in this state; and
817 5. Provide at least 35 direct, new jobs that pay an
818 estimated annual average wage that equals at least 130 percent
819 of the average private sector wage.
820 (9) The department shall validate the performance of an
821 innovation business, a research and development facility, or an
822 alternative and renewable energy business that has received an
823 award. At the conclusion of the innovation incentive award
824 agreement, or its earlier termination, the department shall

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825 include in the annual incentives report required under s.
826 288.907 a detailed description of~~, within 90 days, submit a~~
827 ~~report to the Governor, the President of the Senate, and the~~
828 ~~Speaker of the House of Representatives detailing~~ whether the
829 recipient of the innovation incentive grant achieved its
830 specified outcomes.
831 (11)~~(a)~~ The department shall include in ~~submit to the~~
832 ~~Governor, the President of the Senate, and the Speaker of the~~
833 ~~House of Representatives, as part of~~ the annual incentives
834 report required under s. 288.907~~,~~ a report summarizing the
835 activities and accomplishments of the recipients of grants from
836 the Innovation Incentive Program during the previous 12 months
837 and an evaluation of whether the recipients are catalysts for
838 additional direct and indirect economic development in Florida.
839 ~~(b) Beginning March 1, 2010, and every third year~~
840 ~~thereafter, the Office of Program Policy Analysis and Government~~
841 ~~Accountability, in consultation with the Auditor General's~~
842 ~~Office, shall release a report evaluating the Innovation~~
843 ~~Incentive Program's progress toward creating clusters of high-~~
844 ~~wage, high-skilled, complementary industries that serve as~~
845 ~~catalysts for economic growth specifically in the regions in~~
846 ~~which they are located, and generally for the state as a whole.~~
847 ~~Such report should include critical analyses of quarterly and~~
848 ~~annual reports, annual audits, and other documents prepared by~~
849 ~~the Innovation Incentive Program awardees; relevant economic~~
850 ~~development reports prepared by the department, Enterprise~~
851 ~~Florida, Inc., and local or regional economic development~~
852 ~~organizations; interviews with the parties involved; and any~~
853 ~~other relevant data. Such report should also include legislative~~

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854 ~~recommendations, if necessary, on how to improve the Innovation~~
855 ~~Incentive Program so that the program reaches its anticipated~~
856 ~~potential as a catalyst for direct and indirect economic~~
857 ~~development in this state.~~
858 Section 17. Subsection (4) of section 288.1226, Florida
859 Statutes, is amended to read:
860 288.1226 Florida Tourism Industry Marketing Corporation;
861 use of property; board of directors; duties; audit.—
862 (4) BOARD OF DIRECTORS.—The board of directors of the
863 corporation shall be composed of the Governor and 31 tourism-
864 industry-related members, appointed by Enterprise Florida, Inc.,
865 in conjunction with the department.
866 (a) The Governor shall serve ex officio as a nonvoting
867 member of the board.
868 (b) ~~(a)~~ The board shall consist of 16 members, appointed in
869 such a manner as to equitably represent all geographic areas of
870 the state, with no fewer than two members from any of the
871 following regions:
872 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
873 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
874 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.
875 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
876 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
877 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
878 Taylor, and Union Counties.
879 3. Region 3, composed of Brevard, Indian River, Lake,
880 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
881 Volusia Counties.
882 4. Region 4, composed of Citrus, Hernando, Hillsborough,

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883 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.
884 5. Region 5, composed of Charlotte, Collier, DeSoto,
885 Glades, Hardee, Hendry, Highlands, and Lee Counties.
886 6. Region 6, composed of Broward, Martin, Miami-Dade,
887 Monroe, and Palm Beach Counties.
888 (c) ~~(b)~~ The 15 additional tourism-industry-related members
889 shall include 1 representative from the statewide rental car
890 industry; 7 representatives from tourist-related statewide
891 associations, including those that represent hotels,
892 campgrounds, county destination marketing organizations,
893 museums, restaurants, retail, and attractions; 3 representatives
894 from county destination marketing organizations; 1
895 representative from the cruise industry; 1 representative from
896 an automobile and travel services membership organization that
897 has at least 2.8 million members in Florida; 1 representative
898 from the airline industry; and 1 representative from the space
899 tourism industry, who will each serve for a term of 2 years.
900 Section 18. Subsection (3) of section 288.1253, Florida
901 Statutes, is amended to read:
902 288.1253 Travel and entertainment expenses.—
903 (3) The Office of Film and Entertainment ~~department~~ shall
904 include in the annual report for the entertainment industry
905 financial incentive program required under s. 288.1254(10) a
906 ~~prepare an annual~~ report of the office's expenditures ~~of the~~
907 ~~Office of Film and Entertainment and provide such report to the~~
908 ~~Legislature no later than December 30 of each year~~ for ~~the~~
909 ~~expenditures of~~ the previous fiscal year. The report must ~~shall~~
910 consist of a summary of all travel, entertainment, and
911 incidental expenses incurred within the United States and all

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912 travel, entertainment, and incidental expenses incurred outside
913 the United States, as well as a summary of all successful
914 projects that developed from such travel.
915 Section 19. Subsection (10) of section 288.1254, Florida
916 Statutes, is amended to read:
917 288.1254 Entertainment industry financial incentive
918 program.—
919 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
920 of Film and Entertainment shall submit ~~provide~~ an annual report
921 for the previous fiscal year to the Governor, the President of
922 the Senate, and the Speaker of the House of Representatives
923 which outlines the incentive program's return on investment and
924 economic benefits to the state. The report must ~~shall~~ also
925 include an estimate of the full-time equivalent positions
926 created by each production that received tax credits under this
927 section and information relating to the distribution of
928 productions receiving credits by geographic region and type of
929 production. The report must also include the expenditures report
930 required under s. 288.1253(3) and the information describing the
931 relationship between tax exemptions and incentives to industry
932 growth required under s. 288.1258(5).
933 Section 20. Subsection (5) of section 288.1258, Florida
934 Statutes, is amended to read:
935 288.1258 Entertainment industry qualified production
936 companies; application procedure; categories; duties of the
937 Department of Revenue; records and reports.—
938 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
939 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
940 and Entertainment shall keep annual records from the information

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941 provided on taxpayer applications for tax exemption certificates
942 beginning January 1, 2001. These records also must ~~shall~~ reflect
943 a ratio of the annual amount of sales and use tax exemptions
944 under this section, plus the incentives awarded pursuant to s.
945 288.1254 to the estimated amount of funds expended by certified
946 productions. In addition, the office shall maintain data showing
947 annual growth in Florida-based entertainment industry companies
948 and entertainment industry employment and wages. The employment
949 information must ~~shall~~ include an estimate of the full-time
950 equivalent positions created by each production that received
951 tax credits pursuant to s. 288.1254. The Office of Film and
952 Entertainment shall include ~~report~~ this information in the
953 annual report for the entertainment industry financial incentive
954 program required under s. 288.1254(10) ~~to the Legislature no~~
955 ~~later than December 1 of each year~~.
956 Section 21. Subsection (3) of section 288.714, Florida
957 Statutes, is amended to read:
958 288.714 Quarterly and annual reports.—
959 (3) ~~By August 31 of each year,~~ The department shall include
960 in its annual report required under s. 20.60 ~~provide to the~~
961 ~~Governor, the President of the Senate, and the Speaker of the~~
962 ~~House of Representatives~~ a detailed report of the performance of
963 the Black Business Loan Program. The report must include a
964 cumulative summary of the quarterly report data compiled
965 pursuant to ~~required by~~ subsection (2) ~~(1)~~.
966 Section 22. Section 288.7771, Florida Statutes, is amended
967 to read:
968 288.7771 Annual report of Florida Export Finance
969 Corporation.—The corporation shall annually prepare and submit

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970 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its
971 annual report required under s. 288.906 ~~by s. 288.095~~ a complete
972 and detailed report setting forth:
973 (1) The report required in s. 288.776(3).
974 (2) Its assets and liabilities at the end of its most
975 recent fiscal year.
976 Section 23. Subsections (3), (4), and (5) of section
977 288.903, Florida Statutes, are amended to read:
978 288.903 Duties of Enterprise Florida, Inc.—Enterprise
979 Florida, Inc., shall have the following duties:
980 (3) Prepare an annual report pursuant to s. 288.906.
981 (4) Prepare, in conjunction with the department, ~~and~~ an
982 annual incentives report pursuant to s. 288.907.
983 (5) ~~(4)~~ Assist the department with the development of an
984 annual and a long-range strategic business blueprint for
985 economic development required in s. 20.60.
986 (6) ~~(5)~~ In coordination with Workforce Florida, Inc.,
987 identify education and training programs that will ensure
988 Florida businesses have access to a skilled and competent
989 workforce necessary to compete successfully in the domestic and
990 global marketplace.
991 Section 24. Subsection (6) of section 288.904, Florida
992 Statutes, is repealed.
993 Section 25. Subsection (3) is added to section 288.906,
994 Florida Statutes, to read:
995 288.906 Annual report of Enterprise Florida, Inc., and its
996 divisions; audits.—
997 (3) The following reports must be included as supplements
998 to the detailed report required by this section:

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999 (a) The annual report of the Florida Export Finance
1000 Corporation required under s. 288.7771.
1001 (b) The report on international offices required under s.
1002 288.012.
1003 Section 26. Section 288.907, Florida Statutes, is amended
1004 to read:
1005 288.907 Annual incentives report.—
1006 ~~(1)~~ By December 30 of each year, ~~In addition to the annual~~
1007 ~~report required under s. 288.906,~~ Enterprise Florida, Inc., in
1008 conjunction with the department, ~~by December 30 of each year,~~
1009 shall provide the Governor, the President of the Senate, and the
1010 Speaker of the House of Representatives a detailed incentives
1011 report quantifying the economic benefits for all of the economic
1012 development incentive programs marketed by Enterprise Florida,
1013 Inc.
1014 ~~(a)~~ The annual incentives report must include:
1015 (1) For each incentive program:
1016 (a)~~1.~~ A brief description of the incentive program.
1017 (b)~~2.~~ The amount of awards granted, by year, since
1018 inception and the annual amount actually transferred from the
1019 state treasury to businesses or for the benefit of businesses
1020 for each of the previous 3 years.
1021 ~~3. The economic benefits, as defined in s. 288.005, based~~
1022 ~~on the actual amount of private capital invested, actual number~~
1023 ~~of jobs created, and actual wages paid for incentive agreements~~
1024 ~~completed during the previous 3 years.~~
1025 (c)~~4.~~ ~~The report shall also include~~ The actual amount of
1026 private capital invested, actual number of jobs created, and
1027 actual wages paid for incentive agreements completed during the

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1028 previous 3 years for each target industry sector.
1029 (2)~~(b)~~ For projects completed during the previous state
1030 fiscal year~~, the report must include~~:
1031 (a)~~1.~~ The number of economic development incentive
1032 applications received.
1033 (b)~~2.~~ The number of recommendations made to the department
1034 by Enterprise Florida, Inc., including the number recommended
1035 for approval and the number recommended for denial.
1036 (c)~~3.~~ The number of final decisions issued by the
1037 department for approval and for denial.
1038 (d)~~4.~~ The projects for which a tax refund, tax credit, or
1039 cash grant agreement was executed, identifying for each project:
1040 1.~~a.~~ The number of jobs committed to be created.
1041 2.~~b.~~ The amount of capital investments committed to be
1042 made.
1043 3.~~c.~~ The annual average wage committed to be paid.
1044 4.~~d.~~ The amount of state economic development incentives
1045 committed to the project from each incentive program under the
1046 project's terms of agreement with the Department of Economic
1047 Opportunity.
1048 5.~~e.~~ The amount and type of local matching funds committed
1049 to the project.
1050 (e) Tax refunds paid or other payments made funded out of
1051 the Economic Development Incentives Account for each project.
1052 (f) The types of projects supported.
1053 (3)~~(c)~~ For economic development projects that received tax
1054 refunds, tax credits, or cash grants under the terms of an
1055 agreement for incentives~~, the report must identify~~:
1056 (a)~~1.~~ The number of jobs actually created.

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1057 (b)~~2.~~ The amount of capital investments actually made.
1058 (c)~~3.~~ The annual average wage paid.
1059 (4)~~(d)~~ For a project receiving economic development
1060 incentives approved by the department and receiving federal or
1061 local incentives, ~~the report must include~~ a description of the
1062 federal or local incentives, if available.
1063 (5)~~(e)~~ The ~~report must state the~~ number of withdrawn or
1064 terminated projects that did not fulfill the terms of their
1065 agreements with the department and, consequently, are not
1066 receiving incentives.
1067 (6) For any agreements signed after July 1, 2010, findings
1068 and recommendations on the efforts of the department to
1069 ascertain the causes of any business's inability to complete its
1070 agreement made under s. 288.106.
1071 (7)~~(f)~~ The amount ~~report must include an analysis of the~~
1072 ~~economic benefits, as defined in s. 288.005,~~ of tax refunds, tax
1073 credits, or other payments made to projects locating or
1074 expanding in state enterprise zones, rural communities,
1075 brownfield areas, or distressed urban communities. The report
1076 must include a separate analysis of the impact of such tax
1077 refunds on state enterprise zones designated under s. 290.0065,
1078 rural communities, brownfield areas, and distressed urban
1079 communities.
1080 (8) The name of and tax refund amount for each business
1081 that has received a tax refund under s. 288.1045 or s. 288.106
1082 during the preceding fiscal year.
1083 (9)~~(g)~~ An identification of ~~The report must identify~~ the
1084 target industry businesses and high-impact businesses.
1085 (10)~~(h)~~ A description of ~~The report must describe~~ the

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1086 trends relating to business interest in, and usage of, the
1087 various incentives, and the number of minority-owned or woman-
1088 owned businesses receiving incentives.
1089 (11) ~~(i)~~ An identification of ~~The report must identify~~
1090 incentive programs not used and recommendations for program
1091 changes or program elimination ~~utilized~~.
1092 (12) Information related to the validation of contractor
1093 performance required under s. 288.061.
1094 (13) Beginning in 2014, a summation of the activities
1095 related to the Florida Space Business Incentives Act.
1096 ~~(2) The Division of Strategic Business Development within~~
1097 ~~the department shall assist Enterprise Florida, Inc., in the~~
1098 ~~preparation of the annual incentives report.~~
1099 Section 27. Subsection (3) of section 288.92, Florida
1100 Statutes, is amended to read:
1101 288.92 Divisions of Enterprise Florida, Inc.—
1102 (3) ~~By October 15 each year,~~ Each division shall draft and
1103 submit an annual report for inclusion in the report required
1104 under 288.906 which details the division's activities during the
1105 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for
1106 improving current statutes related to the division's ~~related~~
1107 area of responsibility.
1108 Section 28. Subsection (5) of section 288.95155, Florida
1109 Statutes, is amended to read:
1110 288.95155 Florida Small Business Technology Growth
1111 Program.—
1112 (5) Enterprise Florida, Inc., shall prepare for inclusion
1113 in the annual report ~~of the department~~ required under s. 288.907
1114 ~~by s. 288.095~~ a report on the financial status of the program.

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1115 The report must specify the assets and liabilities of the
1116 program within the current fiscal year and must include a
1117 portfolio update that lists all of the businesses assisted, the
1118 private dollars leveraged by each business assisted, and the
1119 growth in sales and in employment of each business assisted.
1120 Section 29. Subsection (11) of section 290.0056, Florida
1121 Statutes, is amended to read:
1122 290.0056 Enterprise zone development agency.—
1123 (11) Before October 1 ~~December 1~~ of each year, the agency
1124 shall submit to the department for inclusion in the annual
1125 report required under s. 20.60 a complete and detailed written
1126 report setting forth:
1127 (a) Its operations and accomplishments during the fiscal
1128 year.
1129 (b) The accomplishments and progress concerning the
1130 implementation of the strategic plan or measurable goals, and
1131 any updates to the strategic plan or measurable goals.
1132 (c) The number and type of businesses assisted by the
1133 agency during the fiscal year.
1134 (d) The number of jobs created within the enterprise zone
1135 during the fiscal year.
1136 (e) The usage and revenue impact of state and local
1137 incentives granted during the calendar year.
1138 (f) Any other information required by the department.
1139 Section 30. Section 290.014, Florida Statutes, is amended
1140 to read:
1141 290.014 Annual reports on enterprise zones.—
1142 (1) By October 1 ~~February 1~~ of each year, the Department of
1143 Revenue shall submit an annual report to the department

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1144 detailing the usage and revenue impact by county of the state
1145 incentives listed in s. 290.007.
1146 (2) ~~By March 1 of each year, the department shall submit an~~
1147 ~~annual report to the Governor, the Speaker of the House of~~
1148 ~~Representatives, and the President of the Senate.~~ The annual
1149 report required under s. 20.60 shall include the information
1150 provided by the Department of Revenue pursuant to subsection (1)
1151 and the information provided by enterprise zone development
1152 agencies pursuant to s. 290.0056. In addition, the report shall
1153 include an analysis of the activities and accomplishments of
1154 each enterprise zone.
1155 Section 31. Section 290.0411, Florida Statutes, is amended
1156 to read:
1157 290.0411 Legislative intent and purpose of ss. 290.0401-
1158 290.048.—It is the intent of the Legislature to provide the
1159 necessary means to develop, preserve, redevelop, and revitalize
1160 Florida communities exhibiting signs of decline, ~~or~~ distress, or
1161 economic need by enabling local governments to undertake the
1162 necessary community and economic development programs. The
1163 overall objective is to create viable communities by eliminating
1164 slum and blight, fortifying communities in urgent need,
1165 providing decent housing and suitable living environments, and
1166 expanding economic opportunities, principally for persons of low
1167 or moderate income. The purpose of ss. 290.0401-290.048 is to
1168 assist local governments in carrying out effective community and
1169 economic development and project planning and design activities
1170 to arrest and reverse community decline and restore community
1171 vitality. Community development and project planning activities
1172 to maintain viable communities, revitalize existing communities,

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1173 expand economic development and employment opportunities, and
1174 improve housing conditions and expand housing opportunities,
1175 providing direct benefit to persons of low or moderate income,
1176 are the primary purposes of ss. 290.0401-290.048. The
1177 Legislature, therefore, declares that the development,
1178 redevelopment, preservation, and revitalization of communities
1179 in this state and all the purposes of ss. 290.0401-290.048 are
1180 public purposes for which public money may be borrowed,
1181 expended, loaned, pledged to guarantee loans, and granted.
1182 Section 32. Subsections (1) and (6) of section 290.042,
1183 Florida Statutes, are amended to read:
1184 290.042 Definitions relating to Florida Small Cities
1185 Community Development Block Grant Program Act.—As used in ss.
1186 290.0401-290.048, the term:
1187 (1) "Administrative closeout" means the notification of a
1188 grantee by the department that all applicable administrative
1189 actions and all required work of an existing ~~the~~ grant have been
1190 completed with the exception of the final audit.
1191 (6) "Person of low or moderate income" means any person who
1192 meets the definition established by the department in accordance
1193 with the guidelines established in Title I of the Housing and
1194 Community Development Act of 1974, as amended, and the
1195 definition of the term "low- and moderate-income person" as
1196 provided in 24 C.F.R. s. 570.3.
1197 Section 33. Subsections (2), (3), and (4) of section
1198 290.044, Florida Statutes, are amended to read:
1199 290.044 Florida Small Cities Community Development Block
1200 Grant Program Fund; administration; distribution.—
1201 (2) The department shall adopt rules establishing

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1202 guidelines for the distribution of ~~distribute such funds as loan~~
1203 ~~guarantees and~~ grants to eligible local governments through ~~on~~
1204 ~~the basis of~~ a competitive selection process.
1205 (3) The department shall define ~~the~~ broad community
1206 development objectives consistent with national objectives
1207 established by 42 U.S.C. s. 5304 and 24 C.F.R. s. 570.483
1208 ~~objective~~ to be achieved through the distribution of block grant
1209 funds under this section. ~~by the activities in each of the~~
1210 ~~following grant program categories, and require applicants for~~
1211 ~~grants to compete against each other in these grant program~~
1212 ~~categories:~~
1213 ~~(a) Housing.~~
1214 ~~(b) Economic development.~~
1215 ~~(c) Neighborhood revitalization.~~
1216 ~~(d) Commercial revitalization.~~
1217 ~~(e) Project planning and design.~~
1218 (4) The department may set aside an amount of up to 5
1219 percent of the funds annually for use in any eligible local
1220 government jurisdiction for which an emergency or natural
1221 disaster has been declared by executive order. Such funds may
1222 only be provided to a local government to fund eligible
1223 emergency-related activities but must not be provided unless ~~for~~
1224 ~~which~~ no other source of federal, state, or local disaster funds
1225 is available. The department may provide for such set-aside by
1226 rule. In the last quarter of the state fiscal year, any funds
1227 not allocated under the emergency-related set-aside must ~~shall~~
1228 be distributed to unfunded applications from the most recent
1229 funding cycle.
1230 Section 34. Section 290.0455, Florida Statutes, is amended

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1231 to read:
1232 290.0455 Small Cities Community Development Block Grant
1233 Loan Guarantee Program; Section 108 loan guarantees.—
1234 (1) The Small Cities Community Development Block Grant Loan
1235 Guarantee Program is created. The department shall administer
1236 the loan guarantee program pursuant to Section 108 ~~s. 108~~ of
1237 Title I of the Housing and Community Development Act of 1974, as
1238 amended, and as further amended by s. 910 of the Cranston-
1239 Gonzalez National Affordable Housing Act. The purpose of the
1240 Small Cities Community Development Block Grant Loan Guarantee
1241 Program is to guarantee, or to make commitments to guarantee,
1242 notes or other obligations issued by public entities for the
1243 purposes of financing activities enumerated in 24 C.F.R. s.
1244 570.703.
1245 (2) Activities assisted under the loan guarantee program
1246 must meet the requirements contained in 24 C.F.R. ss. 570.700-
1247 570.710 and may not otherwise be financed in whole or in part
1248 from the Florida Small Cities Community Development Block Grant
1249 Program.
1250 (3) The department may pledge existing revenues on deposit
1251 or future revenues projected to be available for deposit in the
1252 Florida Small Cities Community Development Block Grant Program
1253 in order to guarantee~~, in whole or in part,~~ the payment of
1254 principal and interest on a Section 108 loan ~~made under the loan~~
1255 ~~guarantee program~~.
1256 (4) An applicant approved by the United States Department
1257 of Housing and Urban Development to receive a Section 108 loan
1258 shall enter into an agreement with the Department of Economic
1259 Opportunity which requires the applicant to pledge half of the

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1260 amount necessary to guarantee the loan in the event of default.
1261 (5) The department shall review all Section 108 loan
1262 applications that it receives from local governments. The
1263 department shall review the applications ~~must submit all~~
1264 ~~applications it receives to the United States Department of~~
1265 ~~Housing and Urban Development for loan approval,~~ in the order
1266 received, subject to a determination by the department
1267 ~~determining~~ that each ~~the~~ application meets all eligibility
1268 requirements contained in 24 C.F.R. ss. 570.700-570.710~~,~~ and has
1269 been deemed financially feasible by a loan underwriter approved
1270 by the department. If the statewide maximum available for loan
1271 guarantee commitments established in subsection (6) has not been
1272 committed, the department may submit the Section 108 loan
1273 application to the United States Department of Housing and Urban
1274 Development with a recommendation that the loan be approved,
1275 with or without conditions, or be denied ~~provided that the~~
1276 ~~applicant has submitted the proposed activity to a loan~~
1277 ~~underwriter to document its financial feasibility~~.
1278 (6)~~(5)~~ The maximum amount of an individual loan guarantee
1279 commitment that an ~~commitments that any~~ eligible local
1280 government may receive is ~~may be~~ limited to $5 ~~$7~~ million
1281 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
1282 guarantee commitments statewide may not exceed an amount equal
1283 to two ~~five~~ times the amount of the most recent grant received
1284 by the department under the Florida Small Cities Community
1285 Development Block Grant Program. The $5 million loan guarantee
1286 limit does not apply to loans guaranteed prior to July 1, 2013,
1287 that may be refinanced.
1288 (7)~~(6)~~ Section 108 loans guaranteed by the Small Cities

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1289 Community Development Block Grant Program ~~loan guarantee~~ ~~program~~
1290 must be repaid within 20 years.
1291 (8) ~~(7)~~ Section 108 loan applicants must demonstrate
1292 ~~guarantees may be used for an activity only if the local~~
1293 ~~government provides evidence~~ to the department that the
1294 applicant investigated alternative financing services ~~were~~
1295 ~~investigated~~ and the services were unavailable or insufficient
1296 to meet the financing needs of the proposed activity.
1297 (9) If a local government defaults on a Section 108 loan
1298 received from the United States Department of Housing and Urban
1299 Development and guaranteed through the Florida Small Cities
1300 Community Development Block Grant Program, thereby requiring the
1301 department to reduce its annual grant award in order to pay the
1302 annual debt service on the loan, any future community
1303 development block grants that the local government receives must
1304 be reduced in an amount equal to the amount of the state's grant
1305 award used in payment of debt service on the loan.
1306 (10) If a local government receives a Section 108 loan
1307 guaranteed through the Florida Small Cities Community
1308 Development Block Grant Program and is granted entitlement
1309 community status as defined in subpart D of 24 C.F.R. part 570
1310 by the United States Department of Housing and Urban Development
1311 before paying the loan in full, the local government must pledge
1312 its community development block grant entitlement allocation as
1313 a guarantee of its previous loan and request that the United
1314 States Department of Housing and Urban Development release the
1315 department as guarantor of the loan.
1316 ~~(8) The department must, before approving an application~~
1317 ~~for a loan, evaluate the applicant's prior administration of~~

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1318 ~~block grant funds for community development. The evaluation of~~
1319 ~~past performance must take into account the procedural aspects~~
1320 ~~of previous grants or loans as well as substantive results. If~~
1321 ~~the department finds that any applicant has failed to~~
1322 ~~substantially accomplish the results proposed in the applicant's~~
1323 ~~last previously funded application, the department may prohibit~~
1324 ~~the applicant from receiving a loan or may penalize the~~
1325 ~~applicant in the rating of the current application.~~
1326 Section 35. Section 290.046, Florida Statutes, is amended
1327 to read:
1328 (Substantial rewording of section. See
1329 s. 290.046, F.S., for present text.)
1330 290.046 Applications for grants; procedures; requirements.—
1331 (1) The department shall adopt rules establishing
1332 application procedures.
1333 (2)(a) Except for economic development projects, each local
1334 government that is eligible by rule to apply for a grant during
1335 an application cycle may submit one application for a
1336 noneconomic development project during the application cycle. A
1337 local government that is eligible by rule to apply for an
1338 economic development grant may apply up to three times each
1339 funding cycle for an economic development grant and may have
1340 more than one open economic development grant.
1341 (b) The department shall establish minimum criteria
1342 pertaining to the number of jobs created for persons of low or
1343 moderate income, the degree of private sector financial
1344 commitment, the economic feasibility of the proposed project,
1345 and any other criteria the department deems appropriate.
1346 (c) The department may not award a grant until the

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1347 department has completed a site visit to verify the information
1348 contained in the application.
1349 (3)(a) The department shall adopt rules establishing
1350 criteria for evaluating applications received during each
1351 application cycle and the department must rank each application
1352 in accordance with those rules. Such rules must allow the
1353 department to consider relevant factors, including, but not
1354 limited to, community need, unemployment, poverty levels, low
1355 and moderate income populations, health and safety, and the
1356 condition of physical structures. The department shall
1357 incorporate into its ranking system a procedure intended to
1358 eliminate or reduce any existing population-related bias that
1359 places exceptionally small communities at a disadvantage in the
1360 competition for funds.
1361 (b) Project funding must be determined by the rankings
1362 established in each application cycle. If economic development
1363 funding remains available after the application cycle closes,
1364 funding will be awarded to eligible projects on a first-come,
1365 first-served basis until funding for this category is fully
1366 obligated.
1367 (4) In order to provide the public with information
1368 concerning an applicant’s proposed program before an application
1369 is submitted to the department, the applicant shall, for each
1370 funding cycle:
1371 (a) Conduct an initial public hearing to inform the public
1372 of funding opportunities available to meet community needs and
1373 eligible activities and to solicit public input on community
1374 needs.
1375 (b) Publish a summary of the proposed application which

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1376 affords the public an opportunity to examine the contents of the
1377 application and submit comments.
1378 (c) Conduct a second public hearing to obtain public
1379 comments on the proposed application and make appropriate
1380 modifications to the application.
1381 Section 36. Section 290.047, Florida Statutes, is amended
1382 to read:
1383 (Substantial rewording of section. See
1384 s. 290.047, F.S., for present text.)
1385 290.047 Establishment of grant ceilings and maximum
1386 administrative cost percentages.—
1387 (1) The department shall adopt rules to establish:
1388 (a) Grant ceilings.
1389 (b) The maximum percentage of block grant funds that may be
1390 spent on administrative costs by an eligible local government.
1391 (c) Grant administration procurement procedures for
1392 eligible local governments.
1393 (2) An eligible local government may not contract with the
1394 same individual or business entity for more than one service to
1395 be performed in connection with a community development block
1396 grant, including, but not limited to, application preparation
1397 services, administrative services, architectural and engineering
1398 services, and construction services, unless it can be
1399 demonstrated by the eligible local government that the
1400 individual or business entity is the sole source of the service
1401 or is the responsive proposer whose proposal is determined in
1402 writing from a competitive process to be the most advantageous
1403 to the local government.
1404 (3) The maximum amount of block grant funds that may be

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1405 spent on architectural and engineering costs by an eligible
1406 local government must be determined by a methodology adopted by
1407 the department by rule.
1408 Section 37. Section 290.0475, Florida Statutes, is amended
1409 to read:
1410 290.0475 Rejection of grant applications; penalties for
1411 failure to meet application conditions.—Applications received
1412 for funding are ineligible if ~~under all program categories shall~~
1413 ~~be rejected without scoring only in the event that any of the~~
1414 ~~following circumstances arise~~:
1415 (1) The application is not received by the department by
1416 the application deadline.
1417 (2) The proposed project does not meet one of the three
1418 national objectives as described ~~contained~~ in s. 290.044(3)
1419 ~~federal and state legislation~~.
1420 (3) The proposed project is not an eligible activity as
1421 contained in the federal legislation.
1422 (4) The application is not consistent with the local
1423 government's comprehensive plan adopted pursuant to s. 163.3184.
1424 (5) The applicant has an open community development block
1425 grant, except as provided in s. 290.046(2)(a) and department
1426 rule ~~s. 290.046(2)(c)~~.
1427 (6) The local government is not in compliance with the
1428 citizen participation requirements prescribed in ss. 104(a)(1)
1429 and (2) and 106(d)(5)(c) of Title I of the Housing and Community
1430 Development Act of 1984, s. 290.046(4), and department rule
1431 ~~rules~~.
1432 ~~(7) Any information provided in the application that~~
1433 ~~affects eligibility or scoring is found to have been~~

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1434 ~~misrepresented, and the information is not a mathematical error~~
1435 ~~which may be discovered and corrected by readily computing~~
1436 ~~available numbers or formulas provided in the application.~~
1437 Section 38. Subsections (5), (6), and (7) of section
1438 290.048, Florida Statutes, are amended to read:
1439 290.048 General powers of department under ss. 290.0401-
1440 290.048.—The department has all the powers necessary or
1441 appropriate to carry out the purposes and provisions of the
1442 program, including the power to:
1443 ~~(5) Adopt and enforce strict requirements concerning an~~
1444 ~~applicant's written description of a service area. Each such~~
1445 ~~description shall contain maps which illustrate the location of~~
1446 ~~the proposed service area. All such maps must be clearly legible~~
1447 ~~and must:~~
1448 ~~(a) Contain a scale which is clearly marked on the map.~~
1449 ~~(b) Show the boundaries of the locality.~~
1450 ~~(c) Show the boundaries of the service area where the~~
1451 ~~activities will be concentrated.~~
1452 ~~(d) Display the location of all proposed area activities~~.
1453 ~~(e) Include the names of streets, route numbers, or easily~~
1454 ~~identifiable landmarks where all service activities are located.~~
1455 (5) ~~(6)~~ Pledge community development block grant revenues
1456 from the Federal Government in order to guarantee notes or other
1457 obligations of a public entity which are approved pursuant to s.
1458 290.0455.
1459 ~~(7) Establish an advisory committee of no more than 13~~
1460 ~~members to solicit participation in designing, administering,~~
1461 ~~and evaluating the program and in linking the program with other~~
1462 ~~housing and community development resources.~~

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1463 Section 39. Subsection (11) of section 331.3051, Florida
1464 Statutes, is amended to read:
1465 331.3051 Duties of Space Florida.—Space Florida shall:
1466 (11) Annually report on its performance with respect to its
1467 business plan, to include finance, spaceport operations,
1468 research and development, workforce development, and education.
1469 Space Florida shall submit the report ~~shall be submitted~~ to the
1470 Governor, the President of the Senate, and the Speaker of the
1471 House of Representatives by November 30 ~~no later than September~~
1472 ~~1~~ for the previous ~~prior~~ fiscal year. The annual report must
1473 include operations information as required under s.
1474 331.310(2)(e).
1475 Section 40. Paragraph (e) of subsection (2) of section
1476 331.310, Florida Statutes, is amended to read:
1477 331.310 Powers and duties of the board of directors.—
1478 (2) The board of directors shall:
1479 (e) Prepare an annual report of operations as a supplement
1480 to the annual report required under s. 331.3051(11). The report
1481 must ~~shall~~ include, but not be limited to, a balance sheet, an
1482 income statement, a statement of changes in financial position,
1483 a reconciliation of changes in equity accounts, a summary of
1484 significant accounting principles, the auditor's report, a
1485 summary of the status of existing and proposed bonding projects,
1486 comments from management about the year's business, and
1487 prospects for the next year~~, which shall be submitted each year~~
1488 ~~by November 30 to the Governor, the President of the Senate, the~~
1489 ~~Speaker of the House of Representatives, the minority leader of~~
1490 ~~the Senate, and the minority leader of the House of~~
1491 ~~Representatives~~.

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1492 Section 41. Paragraphs (a) and (e) of subsection (30) of
1493 section 443.036, Florida Statutes, is amended to read:
1494 443.036 Definitions.—As used in this chapter, the term:
1495 (30) "Misconduct," irrespective of whether the misconduct
1496 occurs at the workplace or during working hours, includes, but
1497 is not limited to, the following, which may not be construed in
1498 pari materia with each other:
1499 (a) Conduct demonstrating conscious disregard of an
1500 employer's interests and found to be a deliberate violation or
1501 disregard of the reasonable standards of behavior which the
1502 employer expects of his or her employee. Such conduct may
1503 include, but is not limited to, willful damage to an employer's
1504 property that results in damage of more than $50; or theft of
1505 employer property or property of a customer or invitee of the
1506 employer.
1507 (e)1. A violation of an employer's rule, unless the
1508 claimant can demonstrate that:
1509 a.~~1.~~ He or she did not know, and could not reasonably know,
1510 of the rule's requirements;
1511 b.~~2.~~ The rule is not lawful or not reasonably related to
1512 the job environment and performance; or
1513 c.~~3.~~ The rule is not fairly or consistently enforced.
1514 2. Such conduct may include, but is not limited to,
1515 committing criminal assault or battery on another employee, or
1516 on a customer or invitee of the employer; or committing abuse or
1517 neglect of a patient, resident, disabled person, elderly person,
1518 or child in her or his professional care.
1519 Section 42. Paragraphs (b), (c), and (d) of subsection (1)
1520 of section 443.091, Florida Statutes, are amended to read:

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1521 443.091 Benefit eligibility conditions.—
1522 (1) An unemployed individual is eligible to receive
1523 benefits for any week only if the Department of Economic
1524 Opportunity finds that:
1525 (b) She or he has completed the department's online work
1526 registration ~~registered with the department for work~~ and
1527 subsequently reports to the one-stop career center as directed
1528 by the regional workforce board for reemployment services. This
1529 requirement does not apply to persons who are:
1530 1. Non-Florida residents;
1531 2. On a temporary layoff;
1532 3. Union members who customarily obtain employment through
1533 a union hiring hall; or
1534 4. Claiming benefits under an approved short-time
1535 compensation plan as provided in s. 443.1116.
1536 5. Unable to complete the online work registration due to
1537 illiteracy, physical or mental impairment, a legal prohibition
1538 from using a computer, or a language impediment. If a person is
1539 exempted from the online work registration under this
1540 subparagraph, then the filing of his or her claim constitutes
1541 registration for work.
1542 (c) To make continued claims for benefits, she or he is
1543 reporting to the department in accordance with this paragraph
1544 and department rules, and participating in an initial skills
1545 review, as directed by the department. Department rules may not
1546 conflict with s. 443.111(1)(b), which requires that each
1547 claimant continue to report regardless of any pending appeal
1548 relating to her or his eligibility or disqualification for
1549 benefits.

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1550 1. For each week of unemployment claimed, each report must,
1551 at a minimum, include the name, address, and telephone number of
1552 each prospective employer contacted, or the date the claimant
1553 reported to a one-stop career center, pursuant to paragraph (d).
1554 2. The administrator or operator of the initial skills
1555 review shall notify the department when the individual completes
1556 the initial skills review and report the results of the review
1557 to the regional workforce board or the one-stop career center as
1558 directed by the workforce board. The department shall prescribe
1559 a numeric score on the initial skills review that demonstrates a
1560 minimal proficiency in workforce skills. The department,
1561 workforce board, or one-stop career center shall use the initial
1562 skills review to develop a plan for referring individuals to
1563 training and employment opportunities. The failure of the
1564 individual to comply with this requirement will result in the
1565 individual being determined ineligible for benefits for the week
1566 in which the noncompliance occurred and for any subsequent week
1567 of unemployment until the requirement is satisfied. However,
1568 this requirement does not apply if the individual ~~is able to~~
1569 ~~affirmatively attest to being unable to complete such review due~~
1570 ~~to illiteracy or a language impediment or~~ is exempt from the
1571 work registration requirement as set forth in paragraph (b).
1572 3. Any individual who falls below the minimal proficiency
1573 score prescribed by the department in subparagraph 2. on the
1574 initial skills review shall be offered training opportunities
1575 and encouraged to participate in such training at no cost to the
1576 individual in order to improve his or her workforce skills to
1577 the minimal proficiency level.
1578 4. The department shall coordinate with Workforce Florida,

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1579 Inc., the workforce boards, and the one-stop career centers to
1580 identify, develop, and utilize best practices for improving the
1581 skills of individuals who choose to participate in training
1582 opportunities and who have a minimal proficiency score below the
1583 score prescribed in subparagraph 2.
1584 5. The department, in coordination with Workforce Florida,
1585 Inc., the workforce boards, and the one-stop career centers,
1586 shall evaluate the use, effectiveness, and costs associated with
1587 the training prescribed in subparagraph 3. and report its
1588 findings and recommendations for training and the use of best
1589 practices to the Governor, the President of the Senate, and the
1590 Speaker of the House of Representatives by January 1, 2013.
1591 (d) She or he is able to work and is available for work. In
1592 order to assess eligibility for a claimed week of unemployment,
1593 the department shall develop criteria to determine a claimant's
1594 ability to work and availability for work. A claimant must be
1595 actively seeking work in order to be considered available for
1596 work. This means engaging in systematic and sustained efforts to
1597 find work, including contacting at least five prospective
1598 employers for each week of unemployment claimed. The department
1599 may require the claimant to provide proof of such efforts to the
1600 one-stop career center as part of reemployment services. A
1601 claimant's proof of efforts may not include the same prospective
1602 employer at the same location for the duration of benefits,
1603 unless the employer has indicated since the time of the initial
1604 contact that the employer is hiring. The department shall
1605 conduct random reviews of work search information provided by
1606 claimants. As an alternative to contacting at least five
1607 prospective employers for any week of unemployment claimed, a

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1608 claimant may, for that same week, report in person to a one-stop
1609 career center to meet with a representative of the center and
1610 access reemployment services of the center. The center shall
1611 keep a record of the services or information provided to the
1612 claimant and shall provide the records to the department upon
1613 request by the department. However:
1614 1. Notwithstanding any other provision of this paragraph or
1615 paragraphs (b) and (e), an otherwise eligible individual may not
1616 be denied benefits for any week because she or he is in training
1617 with the approval of the department, or by reason of s.
1618 443.101(2) relating to failure to apply for, or refusal to
1619 accept, suitable work. Training may be approved by the
1620 department in accordance with criteria prescribed by rule. A
1621 claimant's eligibility during approved training is contingent
1622 upon satisfying eligibility conditions prescribed by rule.
1623 2. Notwithstanding any other provision of this chapter, an
1624 otherwise eligible individual who is in training approved under
1625 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
1626 determined ineligible or disqualified for benefits due to
1627 enrollment in such training or because of leaving work that is
1628 not suitable employment to enter such training. As used in this
1629 subparagraph, the term "suitable employment" means work of a
1630 substantially equal or higher skill level than the worker's past
1631 adversely affected employment, as defined for purposes of the
1632 Trade Act of 1974, as amended, the wages for which are at least
1633 80 percent of the worker's average weekly wage as determined for
1634 purposes of the Trade Act of 1974, as amended.
1635 3. Notwithstanding any other provision of this section, an
1636 otherwise eligible individual may not be denied benefits for any

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1637 week because she or he is before any state or federal court
1638 pursuant to a lawfully issued summons to appear for jury duty.
1639 4. Union members who customarily obtain employment through
1640 a union hiring hall may satisfy the work search requirements of
1641 this paragraph by reporting daily to their union hall.
1642 5. The work search requirements of this paragraph do not
1643 apply to persons who are unemployed as a result of a temporary
1644 layoff or who are claiming benefits under an approved short-time
1645 compensation plan as provided in s. 443.1116.
1646 6. In small counties as defined in s. 120.52(19), a
1647 claimant engaging in systematic and sustained efforts to find
1648 work must contact at least three prospective employers for each
1649 week of unemployment claimed.
1650 7. The work search requirements of this paragraph do not
1651 apply to persons required to participate in reemployment
1652 services under paragraph (e).
1653 Section 43. Subsection (13) is added to section 443.101,
1654 Florida Statutes, to read:
1655 443.101 Disqualification for benefits.—An individual shall
1656 be disqualified for benefits:
1657 (13) For any week with respect to which the department
1658 finds that his or her unemployment is due to a discharge from
1659 employment for failure without good cause to maintain a license,
1660 registration, or certification required by applicable law
1661 necessary for the employee to perform her or his assigned job
1662 duties. For purposes of this paragraph, the term “good cause”
1663 includes, but is not limited to, failure of the employer to
1664 submit information required for a license, registration, or
1665 certification; short-term physical injury which prevents the

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1666 employee from completing or taking a required test; and
1667 inability to take or complete a required test that is outside
1668 the employee's control.
1669 Section 44. Paragraph (b) of subsection (4) of section
1670 443.1113, Florida Statutes, is amended to read:
1671 443.1113 Reemployment Assistance Claims and Benefits
1672 Information System.—
1673 (4) The project to implement the Reemployment Assistance
1674 Claims and Benefits Information System is ~~shall be~~ comprised of
1675 the following phases and corresponding implementation
1676 timeframes:
1677 (b) The Reemployment Assistance Claims and Benefits
1678 Internet portal that replaces the Florida Unemployment Internet
1679 Direct and the Florida Continued Claims Internet Directory
1680 systems, the Call Center Interactive Voice Response System, the
1681 Benefit Overpayment Screening System, the Internet and Intranet
1682 Appeals System, and the Claims and Benefits Mainframe System
1683 shall be deployed to full operational status no later than the
1684 end of fiscal year 2013-2014 ~~2012-2013~~.
1685 Section 45. Subsection (5) of section 443.131, Florida
1686 Statutes, is amended to read:
1687 443.131 Contributions.—
1688 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—
1689 (a) When the Unemployment Compensation Trust Fund has
1690 received advances from the Federal Government under the
1691 provisions of 42 U.S.C. s. 1321, each contributing employer
1692 shall be assessed an additional rate solely for the purpose of
1693 paying interest due on such federal advances. The additional
1694 rate shall be assessed no later than February 1 in each calendar

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1695 year in which an interest payment is due.
1696 (b) The Revenue Estimating Conference shall estimate the
1697 amount of ~~such~~ interest due on federal advances by ~~no later than~~
1698 December 1 of the calendar year before ~~preceding~~ the calendar
1699 year in which an interest payment is due. The Revenue Estimating
1700 Conference shall, at a minimum, consider the following as the
1701 basis for the estimate:
1702 1. The amounts actually advanced to the trust fund.
1703 2. Amounts expected to be advanced to the trust fund based
1704 on current and projected unemployment patterns and employer
1705 contributions.
1706 3. The interest payment due date.
1707 4. The interest rate that will be applied by the Federal
1708 Government to any accrued outstanding balances.
1709 (c) ~~(b)~~ The tax collection service provider shall calculate
1710 the additional rate to be assessed against contributing
1711 employers. The additional rate assessed for a calendar year is
1712 ~~shall be~~ determined by dividing the estimated amount of interest
1713 to be paid in that year by 95 percent of the taxable wages as
1714 described in s. 443.1217 paid by all employers for the year
1715 ending June 30 of the previous ~~immediately preceding~~ calendar
1716 year. The amount to be paid by each employer is ~~shall be~~ the
1717 product obtained by multiplying such employer's taxable wages as
1718 described in s. 443.1217 for the year ending June 30 of the
1719 previous ~~immediately preceding~~ calendar year by the rate as
1720 determined by this subsection. An assessment may not be made if
1721 the amount of assessments on deposit from previous years, plus
1722 any earned interest, is at least 80 percent of the estimated
1723 amount of interest.

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1724 (d) The tax collection service provider shall make a
1725 separate collection of such assessment, which may be collected
1726 at the time of employer contributions and subject to the same
1727 penalties for failure to file a report, imposition of the
1728 standard rate pursuant to paragraph (3)(h), and interest if the
1729 assessment is not received on or before June 30. Section
1730 443.141(1)(d) and (e) does not apply to this separately
1731 collected assessment. The tax collection service provider shall
1732 maintain those funds in the tax collection service provider's
1733 Audit and Warrant Clearing Trust Fund until the provider is
1734 directed by the Governor or the Governor's designee to make the
1735 interest payment to the Federal Government. Assessments on
1736 deposit must be available to pay the interest on advances
1737 received from the Federal Government under 42 U.S.C. s. 1321.
1738 Assessments on deposit may be invested and any interest earned
1739 shall be part of the balance available to pay the interest on
1740 advances received from the Federal Government under 42 U.S.C. s.
1741 1321.
1742 (e) Four months after ~~In the calendar year that~~ all
1743 advances from the Federal Government under 42 U.S.C. s. 1321 and
1744 associated interest are repaid, ~~if there are assessment funds in~~
1745 ~~excess of the amount required to meet the final interest~~
1746 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
1747 Clearing Trust Fund, including associated interest, shall be
1748 transferred to ~~credited to employer accounts in~~ the Unemployment
1749 Compensation Trust Fund. Any assessment amounts subsequently
1750 collected shall also be transferred to the Unemployment
1751 Compensation Trust Fund ~~in an amount equal to the employer's~~
1752 ~~contribution to the assessment for that year divided by the~~

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1753 ~~total amount of the assessment for that year, the result of~~
1754 ~~which is multiplied by the amount of excess assessed funds~~.
1755 (f) If ~~However, if~~ the state is permitted to defer interest
1756 payments due during a calendar year under 42 U.S.C. s. 1322,
1757 payment of the interest assessment is ~~shall~~ not ~~be~~ due. If a
1758 deferral of interest expires or is subsequently disallowed by
1759 the Federal Government, either prospectively or retroactively,
1760 the interest assessment shall be immediately due and payable.
1761 Notwithstanding any other provision of this section, if interest
1762 due during a calendar year on federal advances is forgiven or
1763 postponed under federal law and is no longer due during that
1764 calendar year, no interest assessment shall be assessed against
1765 an employer for that calendar year, and any assessment already
1766 assessed and collected against an employer before the
1767 forgiveness or postponement of the interest for that calendar
1768 year shall be credited to such employer's account in the
1769 Unemployment Compensation Trust Fund. However, such funds may be
1770 used only to pay benefits or refunds of erroneous contributions.
1771 (g) This subsection expires July 1, 2014.
1772 Section 46. Paragraph (b) of subsection (2) and paragraph
1773 (a) of subsection (6) of section 443.151, Florida Statutes, are
1774 amended to read:
1775 443.151 Procedure concerning claims.—
1776 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1777 CLAIMANTS AND EMPLOYERS.—
1778 (b) *Process.*—When the Reemployment Assistance Claims and
1779 Benefits Information System described in s. 443.1113 is fully
1780 operational, the process for filing claims must incorporate the
1781 process for registering for work with the workforce information

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1782 systems established pursuant to s. 445.011. Unless exempted
1783 under s. 443.091(1)(b)5., a claim for benefits may not be
1784 processed until the work registration requirement is satisfied.
1785 The department may adopt rules as necessary to administer the
1786 work registration requirement set forth in this paragraph.
1787 (6) RECOVERY AND RECOUPMENT.—
1788 (a) Any person who, by reason of her or his fraud, receives
1789 benefits under this chapter to which she or he is not entitled
1790 is liable for repaying those benefits to the Department of
1791 Economic Opportunity on behalf of the trust fund or, in the
1792 discretion of the department, to have those benefits deducted
1793 from future benefits payable to her or him under this chapter.
1794 In addition, the department shall impose upon the claimant a
1795 penalty equal to 15 percent of the amount overpaid. To enforce
1796 this paragraph, the department must find the existence of fraud
1797 through a redetermination or decision under this section within
1798 2 years after the fraud was committed. Any recovery or
1799 recoupment of benefits must be commenced within 7 years after
1800 the redetermination or decision.
1801 Section 47. Effective January 1, 2014, paragraph (a) of
1802 subsection (4) of section 443.151, Florida Statutes, is amended
1803 to read:
1804 (4) APPEALS.—
1805 (a) Appeals referees.—The Department of Economic
1806 Opportunity shall appoint one or more impartial salaried appeals
1807 referees in accordance with s. 443.171(3) to hear and decide
1808 appealed claims. An appeals referee must be an attorney in good
1809 standing with the Florida Bar, or must be successfully admitted
1810 to the Florida Bar within 8 months of his or her date of

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1811 employment. A person may not participate on behalf of the
1812 department as an appeals referee in any case in which she or he
1813 is an interested party. The department may designate alternates
1814 to serve in the absence or disqualification of any appeals
1815 referee on a temporary basis. These alternates must have the
1816 same qualifications required of appeals referees. The department
1817 shall provide the commission and the appeals referees with
1818 proper facilities and assistance for the execution of their
1819 functions.
1820 Section 48. A person who is an employee of the Department
1821 of Economic Opportunity as of the effective date of this act who
1822 acts as an appeals referee and who has received the degree of
1823 Bachelor of Laws or Juris Doctor from a law school accredited by
1824 the American Bar Association, but is not licensed with the
1825 Florida Bar, must become successfully admitted to the Florida
1826 Bar by September 30, 2014.
1827 Section 49. Subsection (1) of section 443.1715, Florida
1828 Statutes, is amended to read:
1829 443.1715 Disclosure of information; confidentiality.—
1830 (1) RECORDS AND REPORTS.—Information revealing an employing
1831 unit's or individual's identity obtained from the employing unit
1832 or any individual under the administration of this chapter, and
1833 any determination revealing that information, is confidential
1834 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1835 Constitution. This confidential information may be released in
1836 accordance with the provisions in 20 C.F.R. part 603. A person
1837 receiving confidential information who violates this subsection
1838 commits a misdemeanor of the second degree, punishable as
1839 provided in s. 775.082 or s. 775.083. The Department of Economic

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1840 Opportunity or its tax collection service provider may, however,
1841 furnish to any employer copies of any report submitted by that
1842 employer upon the request of the employer and may furnish to any
1843 claimant copies of any report submitted by that claimant upon
1844 the request of the claimant. The department or its tax
1845 collection service provider may charge a reasonable fee for
1846 copies of these reports as prescribed by rule, which may not
1847 exceed the actual reasonable cost of the preparation of the
1848 copies. Fees received for copies under this subsection must be
1849 deposited in the Employment Security Administration Trust Fund.
1850 Section 50. Subsection (1) of section 443.191, Florida
1851 Statutes, is amended to read:
1852 443.191 Unemployment Compensation Trust Fund; establishment
1853 and control.—
1854 (1) There is established, as a separate trust fund apart
1855 from all other public funds of this state, an Unemployment
1856 Compensation Trust Fund, which shall be administered by the
1857 Department of Economic Opportunity exclusively for the purposes
1858 of this chapter. The fund must ~~shall~~ consist of:
1859 (a) All contributions and reimbursements collected under
1860 this chapter;
1861 (b) Interest earned on any moneys in the fund;
1862 (c) Any property or securities acquired through the use of
1863 moneys belonging to the fund;
1864 (d) All earnings of these properties or securities;
1865 (e) All money credited to this state’s account in the
1866 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
1867 1103; ~~and~~
1868 (f) All money collected for penalties imposed pursuant to

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1869 s. 443.151(6)(a); and
1870 (g) Advances on the amount in the federal Unemployment
1871 Compensation Trust Fund credited to the state under 42 U.S.C. s.
1872 1321, as requested by the Governor or the Governor's designee.
1873
1874 Except as otherwise provided in s. 443.1313(4), all moneys in
1875 the fund must ~~shall~~ be mingled and undivided.
1876 Section 51. Paragraph (b) of subsection (3) and subsection
1877 (4) of section 446.50, Florida Statutes, are amended to read:
1878 446.50 Displaced homemakers; multiservice programs; report
1879 to the Legislature; Displaced Homemaker Trust Fund created.—
1880 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
1881 OPPORTUNITY.—
1882 (b)1. The department shall enter into contracts with, and
1883 make grants to, public and nonprofit private entities for
1884 purposes of establishing multipurpose service programs for
1885 displaced homemakers under this section. Such grants and
1886 contracts must ~~shall~~ be awarded pursuant to chapter 287 and
1887 based on criteria established in the program ~~state~~ plan as
1888 provided in subsection (4) ~~developed pursuant to this section~~.
1889 The department shall designate catchment areas that together,
1890 must ~~shall~~ compose the entire state, and, to the extent possible
1891 from revenues in the Displaced Homemaker Trust Fund, the
1892 department shall contract with, and make grants to, entities
1893 that will serve entire catchment areas so that displaced
1894 homemaker service programs are available statewide. These
1895 catchment areas must ~~shall~~ be coterminous with the state's
1896 workforce development regions. The department may give priority
1897 to existing displaced homemaker programs when evaluating bid

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1898 responses to the request for proposals.
1899 2. In order to receive funds under this section, and unless
1900 specifically prohibited by law from doing so, an entity that
1901 provides displaced homemaker service programs must receive at
1902 least 25 percent of its funding from one or more local,
1903 municipal, or county sources or nonprofit private sources. In-
1904 kind contributions may be evaluated by the department and
1905 counted as part of the required local funding.
1906 3. The department shall require an entity that receives
1907 funds under this section to maintain appropriate data to be
1908 compiled in an annual report to the department. Such data must
1909 ~~shall~~ include, but is ~~shall~~ not ~~be~~ limited to, the number of
1910 clients served, the units of services provided, designated
1911 client-specific information including intake and outcome
1912 information specific to each client, costs associated with
1913 specific services and program administration, total program
1914 revenues by source and other appropriate financial data, and
1915 client followup information at specified intervals after the
1916 placement of a displaced homemaker in a job.
1917 (4) DISPLACED HOMEMAKER PROGRAM ~~STATE~~ PLAN.—
1918 ~~(a)~~ The Department of Economic Opportunity shall include in
1919 its annual report required under s. 20.60 a ~~develop a 3-year~~
1920 ~~state~~ plan for the displaced homemaker program ~~which shall be~~
1921 ~~updated annually~~. The plan must address, at a minimum, the need
1922 for programs specifically designed to serve displaced
1923 homemakers, any necessary service components for such programs
1924 in addition to those described ~~enumerated~~ in this section, goals
1925 of the displaced homemaker program with an analysis of the
1926 extent to which those goals are being met, and recommendations

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1927 for ways to address any unmet program goals. Any request for
1928 funds for program expansion must be based on the ~~state~~ plan.
1929 ~~(b)~~ The displaced homemaker program ~~Each annual update must~~
1930 ~~address any changes in the components of the 3-year state~~ plan
1931 ~~and a report that~~ must include, but need not be limited to, the
1932 following:
1933 (a)~~1.~~ The scope of the incidence of displaced homemakers;
1934 (b)~~2.~~ A compilation and report, by program, of data
1935 submitted to the department pursuant to subparagraph (3)(b)3.
1936 ~~subparagraph 3.~~ by funded displaced homemaker service programs;
1937 (c)~~3.~~ An identification and description of the programs in
1938 the state which receive funding from the department, including
1939 funding information; and
1940 (d)~~4.~~ An assessment of the effectiveness of each displaced
1941 homemaker service program based on outcome criteria established
1942 by rule of the department.
1943 ~~(c) The 3-year state plan must be submitted to the~~
1944 ~~President of the Senate, the Speaker of the House of~~
1945 ~~Representatives, and the Governor on or before January 1, 2001,~~
1946 ~~and annual updates of the plan must be submitted by January 1 of~~
1947 ~~each subsequent year.~~
1948 Section 52. Except as otherwise expressly provided in this
1949 act, this act shall take effect upon this act becoming law.
1950
1951 ========== T I T L E A M E N D M E N T ==========
1952 And the title is amended as follows:
1953 Delete everything before the enacting clause
1954 and insert:
1955 A bill to be entitled

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1956 An act relating to the Department of Economic
1957 Opportunity; establishing the Economic Development
1958 Programs Evaluation; requiring the Office of Economic
1959 and Demographic Research and the Office of Program
1960 Policy Analysis and Government Accountability to
1961 present the evaluation; requiring the offices to
1962 develop and submit a work plan for completing the
1963 evaluation by a certain date; requiring the offices to
1964 provide an analysis of certain economic development
1965 programs and specifying a schedule; requiring the
1966 Office of Economic and Demographic Research to make
1967 certain evaluations in its analysis; limiting the
1968 office’s evaluation for the purposes of tax credits,
1969 tax refunds, sales tax exemptions, cash grants, and
1970 similar programs; requiring the office to use a
1971 certain model to evaluate each program; requiring the
1972 Office of Program Policy Analysis and Government
1973 Accountability to make certain evaluations in its
1974 analysis; providing the offices access to all data
1975 necessary to complete the evaluation; amending s.
1976 20.60, F.S.; revising the date on which the Department
1977 of Economic Opportunity and Enterprise Florida, Inc.,
1978 are required to report on the business climate and
1979 economic development in the state; specifying reports
1980 and information that must be included; amending s.
1981 201.15, F.S.; revising the distribution of funds in
1982 the Grants and Donations Trust Fund; amending s.
1983 213.053, F.S.; authorizing the Department of Revenue
1984 to make certain information available to the director

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1985 of the Office of Program Policy Analysis and
1986 Government Accountability and the coordinator of the
1987 Office of Economic and Demographic Research;
1988 authorizing the offices to share certain information;
1989 amending s. 220.194, F.S.; requiring the annual report
1990 for the Florida Space Business Incentives Act to be
1991 included in the annual incentives report; deleting
1992 certain reporting requirements; amending s. 288.001,
1993 F.S.; providing a network purpose; providing
1994 definitions; requiring the statewide director and the
1995 network to operate the program in compliance with
1996 federal laws and regulations and a Board of Governors
1997 regulation; requiring the statewide director to
1998 consult with the Board of Governors, the Department of
1999 Economic Opportunity, and the network's statewide
2000 advisory board to establish certain policies and
2001 goals; requiring the network to maintain a statewide
2002 advisory board; providing for advisory board
2003 membership; providing for terms of membership;
2004 providing for certain member reimbursement; requiring
2005 the director to develop support services; specifying
2006 support service requirements; requiring businesses
2007 that receive support services to participate in
2008 certain assessments; requiring the network to provide
2009 a match equal to certain state funding; providing
2010 criteria for the match; requiring the statewide
2011 director to coordinate with the host institution to
2012 establish a pay-per-performance incentive; providing
2013 for pay-per-performance incentive funding and

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2014 distribution; providing a distribution formula
2015 requirement; requiring the statewide director to
2016 coordinate with the advisory board to distribute funds
2017 for certain purposes and develop programs to
2018 distribute funds for those purposes; requiring the
2019 network to announce available funding, performance
2020 expectations, and other requirements; requiring the
2021 statewide director to present applications and
2022 recommendations to the advisory board; requiring
2023 applications approved by the advisory board to be
2024 publicly posted; providing minimum requirements for a
2025 program; prohibiting certain regional small business
2026 development centers from receiving funds; providing
2027 that match funding may not be reduced for regional
2028 small business development centers receiving
2029 additional funds; requiring the statewide director to
2030 regularly update the Board of Governors, the
2031 department, and the advisory board with certain
2032 information; requiring the statewide director, in
2033 coordination with the advisory board, to annually
2034 report certain information to the President of the
2035 Senate and the Speaker of the House of
2036 Representatives; amending s. 288.005, F.S.; providing
2037 a definition; amending s. 288.012, F.S.; requiring
2038 each State of Florida international office to submit a
2039 report to Enterprise Florida, Inc., for inclusion in
2040 its annual report; deleting a reporting date; amending
2041 s. 288.061, F.S.; requiring the Department of Economic
2042 Opportunity to analyze each economic development

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2043 incentive application; requiring an applicant to
2044 provide a surety bond to the Department of Economic
2045 Opportunity before the applicant receives incentive
2046 awards through the Quick Action Closing Fund or the
2047 Innovation Incentive Program; requiring the contract
2048 or agreement to provide that the bond remain in effect
2049 until all conditions have been satisfied; providing
2050 that the department may require the bond to cover the
2051 entire contracted amount or allow for bonds to be
2052 renewed upon completion of certain performance
2053 measures; requiring the contract or agreement to
2054 provide that funds are contingent upon receipt of the
2055 surety bond; requiring the contract or agreement to
2056 provide that up to half of the premium payment on the
2057 bond may be paid from the award up to a certain
2058 amount; requiring an applicant to notify the
2059 department of premium payments; providing for certain
2060 notice requirements upon cancellation or nonrenewal by
2061 an insurer; providing that the cancellation of the
2062 surety bond violates the contract or agreement;
2063 providing an exception; providing for a waiver if
2064 certain information is provided; providing that if the
2065 department grants a waiver, the contract or agreement
2066 must provide for securing the award in a certain form;
2067 requiring the contract or agreement to provide that
2068 the release of funds is contingent upon satisfying
2069 certain requirements; requiring the irrevocable letter
2070 of credit, trust, or security agreement to remain in
2071 effect until certain conditions have been satisfied;

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2072 providing for a waiver of the surety bond or other
2073 security if certain information is provided and the
2074 department determines it to be in the best interest of
2075 the state; providing that the waiver of the surety
2076 bond or other security, for funding in excess of $5
2077 million, must be approved by the Legislative Budget
2078 Commission; providing that the state may bring suit
2079 upon default or upon a violation of this section;
2080 providing that the department may adopt rules to
2081 implement this section; amending s. 288.0656, F.S.;
2082 requiring the Rural Economic Development Initiative to
2083 submit a report to supplement the Department of
2084 Economic Opportunity's annual report; deleting certain
2085 reporting requirements; repealing s. 288.095(3)(c),
2086 F.S., relating to the annual report by Enterprise
2087 Florida, Inc., of programs funded by the Economic
2088 Development Incentives Account; amending s. 288.106,
2089 F.S.; deleting and adding provisions relating to the
2090 application and approval process of the tax refund
2091 program for qualified target industry businesses;
2092 requiring the Department of Economic Opportunity to
2093 include information on qualified target industry
2094 businesses in the annual incentives report; deleting
2095 certain reporting requirements; amending s. 288.1081,
2096 F.S.; requiring the use of loan funds from the
2097 Economic Gardening Business Loan Pilot Program to be
2098 included in the department's annual report; deleting
2099 certain reporting requirements; amending s. 288.1082,
2100 F.S.; requiring the progress of the Economic Gardening

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2101 Technical Assistance Pilot Program to be included in
2102 the department's annual report; deleting certain
2103 reporting requirements; amending s. 288.1088, F.S.;
2104 requiring the department to validate contractor
2105 performance for the Quick Action Closing Fund and
2106 include the performance validation in the annual
2107 incentives report; deleting certain reporting
2108 requirements; amending s. 288.1089, F.S.; requiring
2109 that certain projects in the Innovation Incentive
2110 Program provide a cumulative break-even economic
2111 benefit; requiring the department to report
2112 information relating to the Innovation Incentive
2113 Program in the annual incentives report; deleting
2114 certain reporting requirements; deleting provisions
2115 that require the Office of Program Policy Analysis and
2116 Government Accountability and the Auditor General's
2117 Office to report on the Innovation Incentive Program;
2118 amending s. 288.1226, F.S.; revising membership of the
2119 board of directors of the Florida Tourism Industry
2120 Marketing Corporation; providing that the Governor
2121 shall serve as a nonvoting member; amending s.
2122 288.1253, F.S.; revising a reporting date; requiring
2123 expenditures of the Office of Film and Entertainment
2124 to be included in the annual entertainment industry
2125 financial incentive program report; amending s.
2126 288.1254, F.S.; revising a reporting date; requiring
2127 the annual entertainment industry financial incentive
2128 program report to include certain information;
2129 amending s. 288.1258, F.S.; revising a reporting date;

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2130 requiring the report detailing the relationship
2131 between tax exemptions and incentives to industry
2132 growth to be included in the annual entertainment
2133 industry financial incentive program report; amending
2134 s. 288.714, F.S.; requiring the Department of Economic
2135 Opportunity’s annual report to include a report on the
2136 Black Business Loan Program; deleting certain
2137 reporting requirements; amending s. 288.7771, F.S.;
2138 requiring the Florida Export Finance Corporation to
2139 submit a report to Enterprise Florida, Inc.; amending
2140 s. 288.903, F.S.; requiring Enterprise Florida, Inc.,
2141 with the Department of Economic Opportunity, to
2142 prepare an annual incentives report; repealing s.
2143 288.904(6), F.S., relating to Enterprise Florida,
2144 Inc., which requires the department to report the
2145 return on the public’s investment; amending s.
2146 288.906, F.S.; requiring certain reports to be
2147 included in the Enterprise Florida, Inc., annual
2148 report; amending s. 288.907, F.S.; requiring
2149 Enterprise Florida, Inc., with the Department of
2150 Economic Opportunity, to prepare the annual incentives
2151 report; requiring the annual incentives report to
2152 include certain information; deleting a provision
2153 requiring the Division of Strategic Business
2154 Development to assist Enterprise Florida, Inc., with
2155 the report; 288.92, F.S.; requiring each division of
2156 Enterprise Florida, Inc., to submit a report; amending
2157 s. 288.95155, F.S.; requiring the financial status of
2158 the Florida Small Business Technology Growth Program

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2159 to be included in the annual incentives report;
2160 amending s. 290.0056, F.S.; revising a reporting date;
2161 requiring the enterprise zone development agency to
2162 submit certain information for the Department of
2163 Economic Opportunity’s annual report; amending s.
2164 290.014, F.S.; revising a reporting date; requiring
2165 certain reports on enterprise zones to be included in
2166 the Department of Economic Opportunity’s annual
2167 report; amending ss. 290.0411 and 290.042, F.S.;
2168 revising legislative intent and definitions applicable
2169 to the Florida Small Cities Community Development
2170 Block Grant Program Act; amending s. 290.044, F.S.;
2171 requiring the department to adopt rules for the
2172 distribution of block grant funds to eligible local
2173 governments; deleting authority for block grant funds
2174 to be distributed as loan guarantees to local
2175 governments; requiring that block grant funds be
2176 distributed to achieve the department’s community
2177 development objectives; requiring such objectives to
2178 be consistent with certain national objectives;
2179 amending s. 290.0455, F.S.; providing for the state’s
2180 guarantee of certain federal loans to local
2181 governments; requiring applicants for such loans to
2182 pledge a specified amount of revenues to guarantee the
2183 loans; revising requirements for the department to
2184 submit recommendations to the Federal Government for
2185 such loans; revising the maximum amount of the loan
2186 guarantee commitment that a local government may
2187 receive and providing exceptions; providing for

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2188 reduction of a local government's future community
2189 development block grants if the local government
2190 defaults on the federal loan; providing procedures if
2191 a local government is granted entitlement community
2192 status; amending s. 290.046, F.S.; revising
2193 application requirements for community development
2194 block grants and procedures for the ranking of
2195 applications and the determination of project funding;
2196 amending s. 290.047, F.S.; revising requirements for
2197 the establishment of grant ceilings and maximum
2198 expenditures on administrative costs from community
2199 development block grants; limiting an eligible local
2200 government's authority to contract for specified
2201 services in connection with community development
2202 block grants; amending s. 290.0475, F.S.; revising
2203 conditions under which grant applications are
2204 ineligible for funding; amending 290.048, F.S.;
2205 revising the department's duties to administer the
2206 Small Cities Community Development Block Grant Loan
2207 Guarantee Program; deleting provisions authorizing the
2208 establishment of an advisory committee; amending ss.
2209 331.3051 and 331.310, F.S.; revising requirements for
2210 annual reports by Space Florida; amending s. 443.036,
2211 F.S.; providing examples of misconduct; amending s.
2212 443.091, F.S.; providing for online work registration
2213 and providing exceptions; limiting a claimant's use of
2214 the same prospective employer to meet work search
2215 requirements; providing an exception; providing that
2216 work search requirements do not apply to individuals

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2217 required to participate in reemployment services;
2218 amending s. 443.101, F.S.; providing for
2219 disqualification in any week with respect to which the
2220 department finds that his or her unemployment is due
2221 to failure without good cause to maintain a license,
2222 registration, or certification required by applicable
2223 law necessary for the employee to perform her or his
2224 assigned job duties; providing examples of "good
2225 cause"; amending s. 443.1113, F.S., relating to the
2226 Reemployment Assistance Claims and Benefits
2227 Information System; revising timeframe for deployment
2228 of a certain Internet portal as part of such system;
2229 amending s. 443.131, F.S.; requiring the tax
2230 collection service provider to calculate a certain
2231 additional rate; providing for when an assessment may
2232 not be made; requiring assessments to be available to
2233 pay interest on federal advances; requiring certain
2234 excess funds to be transferred to the Unemployment
2235 Compensation Trust Fund after a certain time period;
2236 deleting the provision referring to crediting employer
2237 accounts; providing an expiration date; amending ss.
2238 443.151 F.S.; revising provisions to conform to
2239 changes made to benefit eligibility; requiring the
2240 department to impose a penalty against a claimant who
2241 is overpaid reemployment assistance benefits due to
2242 fraud by the claimant; requiring an appeals referee to
2243 be an attorney in good standing with the Florida Bar
2244 or successfully admitted within 8 months of hire;
2245 providing for a person who is an appeals referee as of

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2246 the effective date of this act to become licensed by
2247 the Florida Bar by September 30, 2014; amending s.
2248 443.1715, F.S.; prohibiting the unlawful disclosure of
2249 certain confidential information relating to employing
2250 units and individuals under the Reemployment
2251 Assistance Program Law; providing criminal penalties;
2252 amending 443.191, F.S.; providing for the deposit of
2253 moneys recovered and penalties collected due to fraud
2254 in the Unemployment Compensation Trust Fund; amending
2255 s. 446.50, F.S.; requiring the Department of Economic
2256 Opportunity's annual report to include a plan for the
2257 displaced homemaker program; deleting certain
2258 reporting requirements; providing effective dates.

By the Committees on Community Affairs; and Commerce and Tourism

578-02025-13 20131024c1

A bill to be entitled

An act relating to the Department of Economic Opportunity; amending ss. 20.60, 288.906, and 288.907, F.S.; revising requirements for various annual reports submitted to the Governor and Legislature, including the annual report of the Department of Economic Opportunity, the annual report of Enterprise Florida, Inc., and the annual incentives report; consolidating the reporting requirements for various economic development programs into these annual reports; amending ss. 220.194, 288.012, 288.061, and 288.0656, F.S.; conforming provisions to changes made by the act; amending s. 288.095, F.S.; deleting requirements for an annual report related to certain payments made from the Economic Development Incentives Account of the Economic Development Trust Fund; amending ss. 288.106, 288.1081, 288.1082, 288.1088, and 288.1089, F.S.; conforming provisions to changes made by the act; amending s. 288.1226, F.S.; revising membership of the board of directors of the Florida Tourism Industry Marketing Corporation; providing that the Governor shall serve as a nonvoting member; amending ss. 288.1253, 288.1254, and 288.1258, F.S.; revising requirements for annual reports by the Office of Film and Entertainment; amending ss. 288.714 and 288.7771, F.S.; conforming provisions to changes made by the act; amending s. 288.903, F.S.; revising the duties of Enterprise Florida, Inc., with respect to preparation of the annual incentives report; amending ss. 288.92,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02025-13 20131024c1

288.95155, 290.0056, and 290.014, F.S.; conforming provisions to changes made by the act; amending ss. 290.0411 and 290.042, F.S.; revising legislative intent and definitions applicable to the Florida Small Cities Community Development Block Grant Program Act; amending s. 290.044, F.S.; requiring the department to adopt rules for the distribution of block grant funds to eligible local governments; deleting authority for block grant funds to be distributed as loan guarantees to local governments; requiring that block grant funds be distributed to achieve the department's community development objectives; requiring such objectives to be consistent with certain national objectives; amending s. 290.0455, F.S.; providing for the state's guarantee of certain federal loans to local governments; requiring applicants for such loans to pledge a specified amount of revenues to guarantee the loans; revising requirements for the department to submit recommendations to the Federal Government for such loans; revising the maximum amount of the loan guarantee commitment that a local government may receive and providing exceptions; providing for reduction of a local government's future community development block grants if the local government defaults on the federal loan; providing procedures if a local government is granted entitlement community status; amending s. 290.046, F.S.; revising application requirements for community development block grants and procedures for the ranking of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 applications and the determination of project funding;
60 amending s. 290.047, F.S.; revising requirements for
61 the establishment of grant ceilings and maximum
62 expenditures on administrative costs from community
63 development block grants; limiting an eligible local
64 government's authority to contract for specified
65 services in connection with community development
66 block grants; amending s. 290.0475, F.S.; revising
67 conditions under which grant applications are
68 ineligible for funding; amending 290.048, F.S.;
69 revising the department's duties to administer the
70 Small Cities Community Development Block Grant Loan
71 Guarantee Program; deleting provisions authorizing the
72 establishment of an advisory committee; amending ss.
73 331.3051 and 331.310, F.S.; revising requirements for
74 annual reports by Space Florida; amending s.443.091,
75 F.S.; providing for online work registration and
76 providing exceptions; amending s. 443.1113, F.S.,
77 relating to the Reemployment Assistance Claims and
78 Benefits Information System; revising timeframe for
79 deployment of a certain Internet portal as part of
80 such system; amending s. 443.131, F.S.; revising
81 requirements for the estimate of interest due on
82 advances received from the Federal Government to the
83 Unemployment Compensation Trust Fund and the
84 calculation of additional assessments to contributing
85 employers to repay the interest; providing an
86 exemption from such additional assessments; amending
87 ss. 443.151 and 443.191, F.S.; revising provisions to

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88 conform to changes made to benefit eligibility;
89 requiring the department to impose a penalty against a
90 claimant who is overpaid reemployment assistance
91 benefits due to fraud by the claimant and providing
92 for deposit of moneys collected for such penalties in
93 the Unemployment Compensation Trust Fund; amending s.
94 443.1715, F.S.; prohibiting the unlawful disclosure of
95 certain confidential information relating to employing
96 units and individuals under the Reemployment
97 Assistance Program Law; providing criminal penalties;
98 amending s. 446.50, F.S.; conforming provisions to
99 changes made by the act; providing an effective date.
100
101 Be It Enacted by the Legislature of the State of Florida:
102
103 Section 1. Subsection (10) of section 20.60, Florida
104 Statutes, is amended to read:
105 20.60 Department of Economic Opportunity; creation; powers
106 and duties.—
107 (10) The department, with assistance from Enterprise
108 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
109 submit an annual report to the Governor, the President of the
110 Senate, and the Speaker of the House of Representatives on the
111 condition of the business climate and economic development in
112 the state. The report must ~~shall~~ include the identification of
113 problems and a prioritized list of recommendations. The report
114 must also include the following information from reports of
115 other programs, including:
116 (a) Information from the displaced homemaker program plan

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117 required under s. 446.50.
118 (b) Information from the report on the usage and revenue
119 impact by county of state incentives required under s. 290.014,
120 and from the report of each enterprise zone development agency
121 required under s. 290.0056. The report must include an analysis
122 of the activities and accomplishments of each enterprise zone.
123 (c) Information from the report on the use of loan funds
124 awarded pursuant to the Economic Gardening Business Loan Pilot
125 Program required under s. 288.1081(8) and from the report on the
126 progress of the Economic Gardening Technical Assistance Pilot
127 Program required under s. 288.1082(8).
128 (d) Information from the report of the performance of the
129 Black Business Loan Program and a cumulative summary of
130 quarterly report data required under s. 288.714.
131 (e) Information from the report of all Rural Economic
132 Development Initiative activities required under s. 288.0656.
133 Section 2. Subsection (3) is added to section 288.906,
134 Florida Statutes, to read:
135 288.906 Annual report of Enterprise Florida, Inc., and its
136 divisions; audits.—
137 (3) The following reports must be included as supplements
138 to the detailed report required by this section:
139 (a) The annual report of the Florida Export Finance
140 Corporation required under s. 288.7771.
141 (b) The report on the state's international offices
142 required under s. 288.012.
143 Section 3. Subsection (1) of section 288.907, Florida
144 Statutes, is amended to read:
145 288.907 Annual incentives report.—

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146 (1) ~~In addition to the annual report required under s.~~
147 ~~288.906,~~ Enterprise Florida, Inc., in conjunction with the
148 department, shall, by December 30 of each year, submit an annual
149 incentives report to ~~shall provide~~ the Governor, the President
150 of the Senate, and the Speaker of the House of Representatives
151 which details and quantifies ~~a detailed incentives report~~
152 ~~quantifying~~ the economic benefits for all of the economic
153 development incentive programs marketed by Enterprise Florida,
154 Inc.
155 (a) The annual incentives report must include for each
156 incentive program:
157 1. A brief description of the incentive program.
158 2. The amount of awards granted, by year, since inception.
159 3. The economic benefits, as defined in s. 288.005, based
160 on the actual amount of private capital invested, actual number
161 of jobs created, and actual wages paid for incentive agreements
162 completed during the previous 3 years.
163 4. ~~The report shall also include~~ The actual amount of
164 private capital invested, actual number of jobs created, and
165 actual wages paid for incentive agreements completed during the
166 previous 3 years for each target industry sector.
167 (b) For projects completed during the previous state fiscal
168 year, the report must include:
169 1. The number of economic development incentive
170 applications received.
171 2. The number of recommendations made to the department by
172 Enterprise Florida, Inc., including the number recommended for
173 approval and the number recommended for denial.
174 3. The number of final decisions issued by the department

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175 for approval and for denial.
176 4. The projects for which a tax refund, tax credit, or cash
177 grant agreement was executed and~~,~~ identifying for each project:
178 a. The number of jobs committed to be created.
179 b. The amount of capital investments committed to be made.
180 c. The annual average wage committed to be paid.
181 d. The amount of state economic development incentives
182 committed to the project from each incentive program under the
183 project's terms of agreement with the Department of Economic
184 Opportunity.
185 e. The amount and type of local matching funds committed to
186 the project.
187 5. Tax refunds paid or other payments made funded out of
188 the Economic Development Incentives Account for each project.
189 6. The types of projects supported.
190 (c) For economic development projects that received tax
191 refunds, tax credits, or cash grants under the terms of an
192 agreement for incentives, the report must identify:
193 1. The number of jobs actually created.
194 2. The amount of capital investments actually made.
195 3. The annual average wage paid.
196 (d) For a project receiving economic development incentives
197 approved by the department and receiving federal or local
198 incentives, the report must include a description of the federal
199 or local incentives, if available.
200 (e) The report must state the number of withdrawn or
201 terminated projects that did not fulfill the terms of their
202 agreements with the department and consequently are not
203 receiving incentives.

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204 (f) The report must include an analysis of the economic
205 benefits, as defined in s. 288.005, of tax refunds, tax credits,
206 or other payments made to projects locating or expanding in
207 state enterprise zones, rural communities, brownfield areas, or
208 distressed urban communities.
209 (g) The report must also include a separate analysis of the
210 impact of tax refunds on rural communities, brownfield areas,
211 distressed urban communities, and state enterprise zones
212 designated pursuant to s. 290.0065.
213 (h) The report must list the name of each business that
214 received a tax refund during the previous fiscal year, and the
215 amount of the tax refund, pursuant to the qualified defense
216 contractor and space flight business tax refund program under s.
217 288.1045 or the tax refund program for qualified target industry
218 businesses under s. 288.106.
219 (i)~~(g)~~ The report must identify the target industry
220 businesses and high-impact businesses.
221 (j)~~(h)~~ The report must describe the trends relating to
222 business interest in, and usage of, the various incentives, and
223 the number of minority-owned or woman-owned businesses receiving
224 incentives.
225 (k)~~(i)~~ The report must identify incentive programs not used
226 and include recommendations for changes to such programs
227 ~~utilized~~.
228 (l) The report must include information related to the
229 validation of contractor performance required under s. 288.061.
230 (m) Beginning in 2014, the report must summarize the
231 activities related to the Florida Space Business Incentives Act,
232 s. 220.194.

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Section 4. Subsection (9) of section 220.194, Florida Statutes, is amended to read:

220.194 Corporate income tax credits for spaceflight projects.—

(9) ANNUAL REPORT.—Beginning in 2014, the Department of Economic Opportunity, in cooperation with Space Florida and the department, shall include in the ~~submit an~~ annual incentives report required under s. 288.907 a summary of ~~summarizing~~ activities relating to the Florida Space Business Incentives Act established under this section ~~to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each November 30~~.

Section 5. Subsection (3) of section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida international offices; state protocol officer; protocol manual.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state, local, and international governmental entities.

(3) ~~By October 1 of each year,~~ Each international office shall annually submit to Enterprise Florida, Inc., ~~the~~

~~department~~ a complete and detailed report on its activities and accomplishments during the previous ~~preceding~~ fiscal year for inclusion in the annual report required under s. 288.906. In the ~~a~~ format and by the annual date prescribed ~~provided~~ by Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.

(d) The number of investment projects announced.

(e) The estimated U.S. dollar value of sales confirmations.

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective operation of the office.

(i) Changes in office operations which are planned for the current fiscal year.

(j) Marketing activities conducted.

(k) Strategic alliances formed with organizations in the country in which the office is located.

(l) Activities conducted with Florida's other international offices.

(m) Any other information that the office believes would contribute to an understanding of its activities.

Section 6. Subsection (3) of section 288.061, Florida Statutes, is amended to read:

288.061 Economic development incentive application process.—

291 (3) The department shall validate contractor performance
292 and report~~.~~ such validation ~~shall be reported~~ in the annual
293 incentives ~~incentive~~ report required under s. 288.907.
294 Section 7. Subsection (8) of section 288.0656, Florida
295 Statutes, is amended to read:
296 288.0656 Rural Economic Development Initiative.—
297 (8) REDI shall submit a report to the department ~~Governor,~~
298 ~~the President of the Senate, and the Speaker of the House of~~
299 ~~Representatives each year on or before September 1~~ on all REDI
300 activities for the previous ~~prior~~ fiscal year as a supplement to
301 the department's annual report required under s. 20.60. This
302 supplementary report must ~~shall~~ include:
303 (a) A status report on all projects currently being
304 coordinated through REDI, the number of preferential awards and
305 allowances made pursuant to this section, the dollar amount of
306 such awards, and the names of the recipients.
307 (b) ~~The report shall also include~~ A description of all
308 waivers of program requirements granted.
309 (c) ~~The report shall also include~~ Information as to the
310 economic impact of the projects coordinated by REDI.~~, and~~
311 (d) Recommendations based on the review and evaluation of
312 statutes and rules having an adverse impact on rural
313 communities~~,~~ and proposals to mitigate such adverse impacts.
314 Section 8. Paragraphs (d) and (e) of subsection (3) of
315 section 288.095, Florida Statutes, are redesignated as
316 paragraphs (c) and (d), respectively, and present paragraph (c)
317 of that subsection is amended to read:
318 288.095 Economic Development Trust Fund.—
319 (3)

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320 ~~(e) Pursuant to s. 288.907, Enterprise Florida, Inc., shall~~
321 ~~submit a complete and detailed annual report to the Governor,~~
322 ~~the President of the Senate, and the Speaker of the House of~~
323 ~~Representatives of all applications received, recommendations~~
324 ~~made to the department, final decisions issued, tax refund~~
325 ~~agreements executed, and tax refunds paid or other payments made~~
326 ~~under all programs funded out of the Economic Development~~
327 ~~Incentives Account, including analyses of benefits and costs,~~
328 ~~types of projects supported, and employment and investment~~
329 ~~created. The department shall also include a separate analysis~~
330 ~~of the impact of such tax refunds on state enterprise zones~~
331 ~~designated pursuant to s. 290.0065, rural communities,~~
332 ~~brownfield areas, and distressed urban communities. The report~~
333 ~~must also discuss the efforts made by the department to amend~~
334 ~~tax refund agreements to require tax refund claims to be~~
335 ~~submitted by January 31 for the net new full time equivalent~~
336 ~~jobs in this state as of December 31 of the preceding calendar~~
337 ~~year. The report must also list the name and tax refund amount~~
338 ~~for each business that has received a tax refund under s.~~
339 ~~288.1045 or s. 288.106 during the preceding fiscal year.~~
340 Section 9. Paragraph (d) of subsection (7) of section
341 288.106, Florida Statutes, is amended to read:
342 288.106 Tax refund program for qualified target industry
343 businesses.—
344 (7) ADMINISTRATION.—
345 (d) Beginning with tax refund agreements signed after July
346 1, 2010, the department shall attempt to ascertain the causes
347 for any business's failure to complete its agreement and shall
348 include ~~report~~ its findings and recommendations in the annual

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349 incentives report required under s. 288.907 ~~to the Governor, the~~
350 ~~President of the Senate, and the Speaker of the House of~~
351 ~~Representatives~~. ~~The report shall be submitted by December 1 of~~
352 ~~each year beginning in 2011~~.
353 Section 10. Subsection (8) of section 288.1081, Florida
354 Statutes, is amended to read:
355 288.1081 Economic Gardening Business Loan Pilot Program.—
356 (8) ~~On June 30 and December 31 of each year,~~ The department
357 shall include in its annual ~~submit a~~ report required under s.
358 20.60 a detailed description of ~~to the Governor, the President~~
359 ~~of the Senate, and the Speaker of the House of Representatives~~
360 ~~which describes in detail~~ the use of the loan funds. The report
361 must include, at a minimum, the number of businesses receiving
362 loans, the number of full-time equivalent jobs created as a
363 result of the loans, the amount of wages paid to employees in
364 the newly created jobs, the locations and types of economic
365 activity undertaken by the borrowers, the amounts of loan
366 repayments made to date, and the default rate of borrowers.
367 Section 11. Subsection (8) of section 288.1082, Florida
368 Statutes, is amended to read:
369 288.1082 Economic Gardening Technical Assistance Pilot
370 Program.—
371 (8) ~~On December 31 of each year,~~ The department shall
372 include in its annual ~~submit a~~ report required under s. 20.60 a
373 detailed description of ~~to the Governor, the President of the~~
374 ~~Senate, and the Speaker of the House of Representatives which~~
375 ~~describes in detail~~ the progress of the pilot program. The
376 report must include, at a minimum, the number of businesses
377 receiving assistance, the number of full-time equivalent jobs

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378 created as a result of the assistance, if any, the amount of
379 wages paid to employees in the newly created jobs, and the
380 locations and types of economic activity undertaken by the
381 businesses.
382 Section 12. Paragraph (e) of subsection (3) of section
383 288.1088, Florida Statutes, is amended to read:
384 288.1088 Quick Action Closing Fund.—
385 (3)
386 (e) The department ~~Enterprise Florida, Inc.,~~ shall validate
387 contractor performance and report~~.~~ such validation in the annual
388 incentives report required under s. 288.907 ~~shall be reported~~
389 ~~within 6 months after completion of the contract to the~~
390 ~~Governor, President of the Senate, and the Speaker of the House~~
391 ~~of Representatives~~.
392 Section 13. Subsection (9) and paragraph (a) of subsection
393 (11) of section 288.1089, Florida Statutes, are amended to read:
394 288.1089 Innovation Incentive Program.—
395 (9) The department shall validate the performance of an
396 innovation business, a research and development facility, or an
397 alternative and renewable energy business that has received an
398 award. At the conclusion of the innovation incentive award
399 agreement, or its earlier termination, the department shall
400 include in the annual incentives report required under s.
401 288.907 a detailed description of~~, within 90 days, submit a~~
402 ~~report to the Governor, the President of the Senate, and the~~
403 ~~Speaker of the House of Representatives detailing~~ whether the
404 recipient of the innovation incentive grant achieved its
405 specified outcomes.
406 (11)(a) The department shall include in ~~submit to the~~

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407 ~~Governor, the President of the Senate, and the Speaker of the~~
408 ~~House of Representatives, as part of~~ the annual incentives
409 report required under s. 288.907~~,~~ a report summarizing the
410 activities and accomplishments of the recipients of grants from
411 the Innovation Incentive Program during the previous 12 months
412 and an evaluation of whether the recipients are catalysts for
413 additional direct and indirect economic development in Florida.
414 Section 14. Subsection (4) of section 288.1226, Florida
415 Statutes, is amended to read:
416 288.1226 Florida Tourism Industry Marketing Corporation;
417 use of property; board of directors; duties; audit.—
418 (4) BOARD OF DIRECTORS.—The board of directors of the
419 corporation shall be composed of the Governor and 31 tourism-
420 industry-related members, appointed by Enterprise Florida, Inc.,
421 in conjunction with the department.
422 (a) The Governor shall serve ex officio as a nonvoting
423 member of the board.
424 (b) ~~(a)~~ The board shall consist of 16 members, appointed in
425 such a manner as to equitably represent all geographic areas of
426 the state, with no fewer than two members from any of the
427 following regions:
428 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
429 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
430 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.
431 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
432 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
433 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
434 Taylor, and Union Counties.
435 3. Region 3, composed of Brevard, Indian River, Lake,

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436 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
437 Volusia Counties.
438 4. Region 4, composed of Citrus, Hernando, Hillsborough,
439 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.
440 5. Region 5, composed of Charlotte, Collier, DeSoto,
441 Glades, Hardee, Hendry, Highlands, and Lee Counties.
442 6. Region 6, composed of Broward, Martin, Miami-Dade,
443 Monroe, and Palm Beach Counties.
444 (c) ~~(b)~~ The 15 additional tourism-industry-related members
445 shall include 1 representative from the statewide rental car
446 industry; 7 representatives from tourist-related statewide
447 associations, including those that represent hotels,
448 campgrounds, county destination marketing organizations,
449 museums, restaurants, retail, and attractions; 3 representatives
450 from county destination marketing organizations; 1
451 representative from the cruise industry; 1 representative from
452 an automobile and travel services membership organization that
453 has at least 2.8 million members in Florida; 1 representative
454 from the airline industry; and 1 representative from the space
455 tourism industry, who will each serve for a term of 2 years.
456 Section 15. Subsection (3) of section 288.1253, Florida
457 Statutes, is amended to read:
458 288.1253 Travel and entertainment expenses.—
459 (3) The Office of Film and Entertainment ~~department~~ shall
460 include in the annual report for the entertainment industry
461 financial incentive program required under s. 288.1254(10) a
462 ~~prepare an annual~~ report of the office's expenditures ~~of the~~
463 ~~Office of Film and Entertainment and provide such report to the~~
464 ~~Legislature no later than December 30 of each year~~ for ~~the~~

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465 ~~expenditures of~~ the previous fiscal year. The report must ~~shall~~
466 consist of a summary of all travel, entertainment, and
467 incidental expenses incurred within the United States and all
468 travel, entertainment, and incidental expenses incurred outside
469 the United States, as well as a summary of all successful
470 projects that developed from such travel.
471 Section 16. Subsection (10) of section 288.1254, Florida
472 Statutes, is amended to read:
473 288.1254 Entertainment industry financial incentive
474 program.—
475 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
476 of Film and Entertainment shall submit ~~provide~~ an annual report
477 for the previous fiscal year to the Governor, the President of
478 the Senate, and the Speaker of the House of Representatives
479 which outlines the incentive program's return on investment and
480 economic benefits to the state. The report must ~~shall~~ also
481 include an estimate of the full-time equivalent positions
482 created by each production that received tax credits under this
483 section and information relating to the distribution of
484 productions receiving credits by geographic region and type of
485 production. The report must also include the expenditures report
486 required under s. 288.1253(3) and the information describing the
487 relationship between tax exemptions and incentives to industry
488 growth required under s. 288.1258(5).
489 Section 17. Subsection (5) of section 288.1258, Florida
490 Statutes, is amended to read:
491 288.1258 Entertainment industry qualified production
492 companies; application procedure; categories; duties of the
493 Department of Revenue; records and reports.—

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494 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
495 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
496 and Entertainment shall keep annual records from the information
497 provided on taxpayer applications for tax exemption certificates
498 beginning January 1, 2001. These records also must ~~shall~~ reflect
499 a ratio of the annual amount of sales and use tax exemptions
500 under this section, plus the incentives awarded pursuant to s.
501 288.1254 to the estimated amount of funds expended by certified
502 productions. In addition, the office shall maintain data showing
503 annual growth in Florida-based entertainment industry companies
504 and entertainment industry employment and wages. The employment
505 information must ~~shall~~ include an estimate of the full-time
506 equivalent positions created by each production that received
507 tax credits pursuant to s. 288.1254. The Office of Film and
508 Entertainment shall include ~~report~~ this information in the
509 annual report for the entertainment industry financial incentive
510 program required under s. 288.1254(10) ~~to the Legislature no~~
511 ~~later than December 1 of each year~~.
512 Section 18. Subsection (3) of section 288.714, Florida
513 Statutes, is amended to read:
514 288.714 Quarterly and annual reports.—
515 (3) ~~By August 31 of each year,~~ The department shall include
516 in its annual report required under s. 20.60 ~~provide to the~~
517 ~~Governor, the President of the Senate, and the Speaker of the~~
518 ~~House of Representatives~~ a detailed report of the performance of
519 the Black Business Loan Program. The report must include a
520 cumulative summary of the quarterly report data compiled
521 pursuant to ~~required by~~ subsection (2) ~~(1)~~.
522 Section 19. Section 288.7771, Florida Statutes, is amended

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523 to read:
524 288.7771 Annual report of Florida Export Finance
525 Corporation.—The corporation shall annually prepare and submit
526 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its
527 annual report required under s. 288.906 ~~by s. 288.095~~ a complete
528 and detailed report setting forth:
529 (1) The report required in s. 288.776(3).
530 (2) Its assets and liabilities at the end of its most
531 recent fiscal year.
532 Section 20. Subsections (3), (4), and (5) of section
533 288.903, Florida Statutes, are amended to read:
534 288.903 Duties of Enterprise Florida, Inc.—Enterprise
535 Florida, Inc., shall have the following duties:
536 (3) Prepare an annual report pursuant to s. 288.906.
537 (4) Prepare, in conjunction with the department, ~~and~~ an
538 annual incentives report pursuant to s. 288.907.
539 (5) ~~(4)~~ Assist the department with the development of an
540 annual and a long-range strategic business blueprint for
541 economic development required in s. 20.60.
542 (6) ~~(5)~~ In coordination with Workforce Florida, Inc.,
543 identify education and training programs that will ensure
544 Florida businesses have access to a skilled and competent
545 workforce necessary to compete successfully in the domestic and
546 global marketplace.
547 Section 21. Subsection (3) of section 288.92, Florida
548 Statutes, is amended to read:
549 288.92 Divisions of Enterprise Florida, Inc.—
550 (3) ~~By October 15 each year,~~ Each division shall draft and
551 submit an annual report for inclusion in the report required

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552 under 288.906 which details the division's activities during the
553 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for
554 improving current statutes related to the division's ~~related~~
555 area of responsibility.
556 Section 22. Subsection (5) of section 288.95155, Florida
557 Statutes, is amended to read:
558 288.95155 Florida Small Business Technology Growth
559 Program.—
560 (5) Enterprise Florida, Inc., shall include in the annual
561 incentives report required under s. 288.907 ~~prepare for~~
562 ~~inclusion in the annual report of the department required by s.~~
563 ~~288.095~~ a report on the financial status of the program. The
564 report must specify the assets and liabilities of the program
565 within the current fiscal year and must include a portfolio
566 update that lists all of the businesses assisted, the private
567 dollars leveraged by each business assisted, and the growth in
568 sales and ~~in~~ employment of each business assisted.
569 Section 23. Subsection (11) of section 290.0056, Florida
570 Statutes, is amended to read:
571 290.0056 Enterprise zone development agency.—
572 (11) Before October 1 ~~December 1~~ of each year, the agency
573 shall submit to the department for inclusion in the department's
574 annual report required under s. 20.60 a complete and detailed
575 written report setting forth:
576 (a) Its operations and accomplishments during the fiscal
577 year.
578 (b) The accomplishments and progress concerning the
579 implementation of the strategic plan or measurable goals, and
580 any updates to the strategic plan or measurable goals.

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(c) The number and type of businesses assisted by the agency during the fiscal year.

(d) The number of jobs created within the enterprise zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by the department.

Section 24. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

~~(1)~~ By October 1 ~~February 1~~ of each year, the Department of Revenue shall submit a ~~an annual~~ report to the department for inclusion in the department's annual report required under s. 20.60 which details ~~detailing~~ the usage and revenue impact by county of the state incentives listed in s. 290.007.

~~(2) By March 1 of each year, the department shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate.~~ The report must also ~~shall~~ include ~~the information provided by the department of Revenue pursuant to subsection (1) and the~~ information provided by the enterprise zone development agencies pursuant to s. 290.0056(11) ~~290.0056~~. In addition, the report must ~~shall~~ include an analysis of the activities and accomplishments of each enterprise zone.

Section 25. Section 290.0411, Florida Statutes, is amended to read:

290.0411 Legislative intent and purpose of ss. 290.0401-290.048.—It is the intent of the Legislature to provide the necessary means to develop, preserve, redevelop, and revitalize

Florida communities exhibiting signs of decline, ~~or~~ distress, or economic need by enabling local governments to undertake the necessary community and economic development programs. The overall objective is to create viable communities by eliminating slum and blight, fortifying communities in urgent need, providing decent housing and suitable living environments, and expanding economic opportunities, principally for persons of low or moderate income. The purpose of ss. 290.0401-290.048 is to assist local governments in carrying out effective community and economic development and project planning and design activities to arrest and reverse community decline and restore community vitality. Community development and project planning activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income, are the primary purposes of ss. 290.0401-290.048. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of communities in this state and all the purposes of ss. 290.0401-290.048 are public purposes for which public money may be borrowed, expended, loaned, pledged to guarantee loans, and granted.

Section 26. Subsections (1) and (6) of section 290.042, Florida Statutes, are amended to read:

290.042 Definitions relating to Florida Small Cities Community Development Block Grant Program Act.—As used in ss. 290.0401-290.048, the term:

(1) "Administrative closeout" means the notification of a grantee by the department that all applicable administrative

actions and all required work of an existing ~~the~~ grant have been completed with the exception of the final audit.

(6) "Person of low or moderate income" means any person who meets the definition established by the department in accordance with the guidelines established in Title I of the Housing and Community Development Act of 1974, as amended, and the definition of the term "low- and moderate-income person" as provided in 24 C.F.R. s. 570.3.

Section 27. Subsections (2), (3), and (4) of section 290.044, Florida Statutes, are amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(2) The department shall adopt rules establishing guidelines for the distribution of ~~distribute such funds as loan guarantees and~~ grants to eligible local governments through ~~on the basis of~~ a competitive selection process.

(3) The department shall define ~~the~~ broad community development objectives consistent with national objectives established by 42 U.S.C. s. 5304 and 24 C.F.R. s. 570.483 ~~objective~~ to be achieved through the distribution of block grant funds under this section. ~~by the activities in each of the following grant program categories, and require applicants for grants to compete against each other in these grant program categories:~~

~~(a) Housing.~~

~~(b) Economic development.~~

~~(c) Neighborhood revitalization.~~

~~(d) Commercial revitalization.~~

~~(e) Project planning and design.~~

(4) The department may set aside an amount of up to 5 percent of the funds annually for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities but must not be provided unless ~~for which~~ no other source of federal, state, or local disaster funds is available. The department may provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside must ~~shall~~ be distributed to unfunded applications from the most recent funding cycle.

Section 28. Section 290.0455, Florida Statutes, is amended to read:

290.0455 Small Cities Community Development Block Grant Loan Guarantee Program; Section 108 loan guarantees.—

(1) The Small Cities Community Development Block Grant Loan Guarantee Program is created. The department shall administer the loan guarantee program pursuant to Section 108 ~~s. 108~~ of Title I of the Housing and Community Development Act of 1974, as amended, and as further amended by s. 910 of the Cranston-Gonzalez National Affordable Housing Act. The purpose of the Small Cities Community Development Block Grant Loan Guarantee Program is to guarantee, or to make commitments to guarantee, notes or other obligations issued by public entities for the purposes of financing activities enumerated in 24 C.F.R. s. 570.703.

(2) Activities assisted under the loan guarantee program must meet the requirements contained in 24 C.F.R. ss. 570.700-

697 570.710 and may not otherwise be financed in whole or in part
698 from the Florida Small Cities Community Development Block Grant
699 Program.
700 (3) The department may pledge existing revenues on deposit
701 or future revenues projected to be available for deposit in the
702 Florida Small Cities Community Development Block Grant Program
703 in order to guarantee~~, in whole or in part,~~ the payment of
704 principal and interest on a Section 108 loan ~~made under the loan~~
705 ~~guarantee program~~.
706 (4) An applicant approved by the United States Department
707 of Housing and Urban Development to receive a Section 108 loan
708 shall enter into an agreement with the Department of Economic
709 Opportunity which requires the applicant to pledge half of the
710 amount necessary to guarantee the loan in the event of default.
711 (5) The department shall review all Section 108 loan
712 applications that it receives from local governments. The
713 department shall review the applications ~~must submit all~~
714 ~~applications it receives to the United States Department of~~
715 ~~Housing and Urban Development for loan approval,~~ in the order
716 received, subject to a determination by the department
717 ~~determining~~ that each ~~the~~ application meets all eligibility
718 requirements contained in 24 C.F.R. ss. 570.700-570.710~~,~~ and has
719 been deemed financially feasible by a loan underwriter approved
720 by the department. If the statewide maximum available for loan
721 guarantee commitments established in subsection (6) has not been
722 committed, the department may submit the Section 108 loan
723 application to the United States Department of Housing and Urban
724 Development with a recommendation that the loan be approved,
725 with or without conditions, or be denied ~~provided that the~~

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726 ~~applicant has submitted the proposed activity to a loan~~
727 ~~underwriter to document its financial feasibility~~.
728 (6)~~(5)~~ The maximum amount of an individual loan guarantee
729 commitment that an ~~commitments that any~~ eligible local
730 government may receive is ~~may be~~ limited to $5 ~~$7~~ million
731 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
732 guarantee commitments statewide may not exceed an amount equal
733 to two ~~five~~ times the amount of the most recent grant received
734 by the department under the Florida Small Cities Community
735 Development Block Grant Program. The $5 million loan guarantee
736 limit does not apply to loans guaranteed prior to July 1, 2013,
737 that may be refinanced.
738 (7)~~(6)~~ Section 108 loans guaranteed by the Small Cities
739 Community Development Block Grant Program ~~loan guarantee~~ ~~program~~
740 must be repaid within 20 years.
741 (8)~~(7)~~ Section 108 loan applicants must demonstrate
742 ~~guarantees may be used for an activity only if the local~~
743 ~~government provides evidence~~ to the department that the
744 applicant investigated alternative financing services ~~were~~
745 ~~investigated~~ and the services were unavailable or insufficient
746 to meet the financing needs of the proposed activity.
747 (9) If a local government defaults on a Section 108 loan
748 received from the United States Department of Housing and Urban
749 Development and guaranteed through the Florida Small Cities
750 Community Development Block Grant Program, thereby requiring the
751 department to reduce its annual grant award in order to pay the
752 annual debt service on the loan, any future community
753 development block grants that the local government receives must
754 be reduced in an amount equal to the amount of the state's grant

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755 award used in payment of debt service on the loan.
756 (10) If a local government receives a Section 108 loan
757 guaranteed through the Florida Small Cities Community
758 Development Block Grant Program and is granted entitlement
759 community status as defined in subpart D of 24 C.F.R. part 570
760 by the United States Department of Housing and Urban Development
761 before paying the loan in full, the local government must pledge
762 its community development block grant entitlement allocation as
763 a guarantee of its previous loan and request that the United
764 States Department of Housing and Urban Development release the
765 department as guarantor of the loan.
766 ~~(8) The department must, before approving an application~~
767 ~~for a loan, evaluate the applicant's prior administration of~~
768 ~~block grant funds for community development. The evaluation of~~
769 ~~past performance must take into account the procedural aspects~~
770 ~~of previous grants or loans as well as substantive results. If~~
771 ~~the department finds that any applicant has failed to~~
772 ~~substantially accomplish the results proposed in the applicant's~~
773 ~~last previously funded application, the department may prohibit~~
774 ~~the applicant from receiving a loan or may penalize the~~
775 ~~applicant in the rating of the current application.~~
776 Section 29. Section 290.046, Florida Statutes, is amended
777 to read:
778 (Substantial rewording of section. See
779 s. 290.046, F.S., for present text.)
780 290.046 Applications for grants; procedures; requirements.—
781 (1) The department shall adopt rules establishing
782 application procedures.
783 (2)(a) Except for economic development projects, each local

784 government that is eligible by rule to apply for a grant during
785 an application cycle may submit one application for a
786 noneconomic development project during the application cycle. A
787 local government that is eligible by rule to apply for an
788 economic development grant may apply up to three times each
789 funding cycle for an economic development grant and may have
790 more than one open economic development grant.
791 (b) The department shall establish minimum criteria
792 pertaining to the number of jobs created for persons of low or
793 moderate income, the degree of private sector financial
794 commitment, the economic feasibility of the proposed project,
795 and any other criteria the department deems appropriate.
796 (c) The department may not award a grant until the
797 department has completed a site visit to verify the information
798 contained in the application.
799 (3)(a) The department shall adopt rules establishing
800 criteria for evaluating applications received during each
801 application cycle and the department must rank each application
802 in accordance with those rules. Such rules must allow the
803 department to consider relevant factors, including, but not
804 limited to, community need, unemployment, poverty levels, low
805 and moderate income populations, health and safety, and the
806 condition of physical structures. The department shall
807 incorporate into its ranking system a procedure intended to
808 eliminate or reduce any existing population-related bias that
809 places exceptionally small communities at a disadvantage in the
810 competition for funds.
811 (b) Project funding must be determined by the rankings
812 established in each application cycle. If economic development

813 funding remains available after the application cycle closes,
814 funding will be awarded to eligible projects on a first-come,
815 first-served basis until funding for this category is fully
816 obligated.
817 (4) In order to provide the public with information
818 concerning an applicant's proposed program before an application
819 is submitted to the department, the applicant shall, for each
820 funding cycle:
821 (a) Conduct an initial public hearing to inform the public
822 of funding opportunities available to meet community needs and
823 eligible activities and to solicit public input on community
824 needs.
825 (b) Publish a summary of the proposed application which
826 affords the public an opportunity to examine the contents of the
827 application and submit comments.
828 (c) Conduct a second public hearing to obtain public
829 comments on the proposed application and make appropriate
830 modifications to the application.
831 Section 30. Section 290.047, Florida Statutes, is amended
832 to read:
833 (Substantial rewording of section. See
834 s. 290.047, F.S., for present text.)
835 290.047 Establishment of grant ceilings and maximum
836 administrative cost percentages.—
837 (1) The department shall adopt rules to establish:
838 (a) Grant ceilings.
839 (b) The maximum percentage of block grant funds that may be
840 spent on administrative costs by an eligible local government.
841 (c) Grant administration procurement procedures for

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842 eligible local governments.
843 (2) An eligible local government may not contract with the
844 same individual or business entity for more than one service to
845 be performed in connection with a community development block
846 grant, including, but not limited to, application preparation
847 services, administrative services, architectural and engineering
848 services, and construction services, unless it can be
849 demonstrated by the eligible local government that the
850 individual or business entity is the sole source of the service
851 or is the responsive proposer whose proposal is determined in
852 writing from a competitive process to be the most advantageous
853 to the local government.
854 (3) The maximum amount of block grant funds that may be
855 spent on architectural and engineering costs by an eligible
856 local government must be determined by a methodology adopted by
857 the department by rule.
858 Section 31. Section 290.0475, Florida Statutes, is amended
859 to read:
860 290.0475 Rejection of grant applications; penalties for
861 failure to meet application conditions.—Applications received
862 for funding are ineligible if ~~under all program categories shall~~
863 ~~be rejected without scoring only in the event that any of the~~
864 ~~following circumstances arise~~:
865 (1) The application is not received by the department by
866 the application deadline.
867 (2) The proposed project does not meet one of the three
868 national objectives as described ~~contained~~ in s. 290.044(3)
869 ~~federal and state legislation~~.
870 (3) The proposed project is not an eligible activity as

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contained in the federal legislation.

(4) The application is not consistent with the local government's comprehensive plan adopted pursuant to s. 163.3184.

(5) The applicant has an open community development block grant, except as provided in s. 290.046(2)(a) and department rule ~~s. 290.046(2)(e)~~.

(6) The local government is not in compliance with the citizen participation requirements prescribed in ss. 104(a)(1) and (2) and 106(d)(5)(c) of Title I of the Housing and Community Development Act of 1984, s. 290.046(4), and department rule ~~rules~~.

~~(7) Any information provided in the application that affects eligibility or scoring is found to have been misrepresented, and the information is not a mathematical error which may be discovered and corrected by readily computing available numbers or formulas provided in the application.~~

Section 32. Subsections (5), (6), and (7) of section 290.048, Florida Statutes, are amended to read:

290.048 General powers of department under ss. 290.0401-290.048.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

~~(5) Adopt and enforce strict requirements concerning an applicant's written description of a service area. Each such description shall contain maps which illustrate the location of the proposed service area. All such maps must be clearly legible and must:~~

~~(a) Contain a scale which is clearly marked on the map.~~

~~(b) Show the boundaries of the locality.~~

~~(c) Show the boundaries of the service area where the activities will be concentrated.~~

~~(d) Display the location of all proposed area activities~~.

~~(e) Include the names of streets, route numbers, or easily identifiable landmarks where all service activities are located.~~

(5) ~~(6)~~ Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

~~(7) Establish an advisory committee of no more than 13 members to solicit participation in designing, administering, and evaluating the program and in linking the program with other housing and community development resources.~~

Section 33. Subsection (11) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(11) Annually report on its performance with respect to its business plan, to include finance, spaceport operations, research and development, workforce development, and education. Space Florida shall submit the report ~~shall be submitted~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30 ~~no later than September 1~~ for the previous ~~prior~~ fiscal year. The annual report must include operations information as required under s. 331.310(2)(e).

Section 34. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

929 (e) Prepare an annual report of operations as a supplement
930 to the annual report required under s. 331.3051(11). The report
931 must ~~shall~~ include, but not be limited to, a balance sheet, an
932 income statement, a statement of changes in financial position,
933 a reconciliation of changes in equity accounts, a summary of
934 significant accounting principles, the auditor's report, a
935 summary of the status of existing and proposed bonding projects,
936 comments from management about the year's business, and
937 prospects for the next year~~, which shall be submitted each year~~
938 ~~by November 30 to the Governor, the President of the Senate, the~~
939 ~~Speaker of the House of Representatives, the minority leader of~~
940 ~~the Senate, and the minority leader of the House of~~
941 ~~Representatives~~.
942 Section 35. Paragraphs (b) and (c) of subsection (1) of
943 section 443.091, Florida Statutes, are amended to read:
944 443.091 Benefit eligibility conditions.—
945 (1) An unemployed individual is eligible to receive
946 benefits for any week only if the Department of Economic
947 Opportunity finds that:
948 (b) She or he has completed the department's online work
949 registration ~~registered with the department for work~~ and
950 subsequently reports to the one-stop career center as directed
951 by the regional workforce board for reemployment services. This
952 requirement does not apply to persons who are:
953 1. Non-Florida residents;
954 2. On a temporary layoff;
955 3. Union members who customarily obtain employment through
956 a union hiring hall; or
957 4. Claiming benefits under an approved short-time

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958 compensation plan as provided in s. 443.1116.
959 5. Unable to complete the online work registration due to
960 illiteracy, physical or mental impairment, a legal prohibition
961 from using a computer, or a language impediment. If a person is
962 exempted from the online work registration under this
963 subparagraph, then the filing of his or her claim constitutes
964 registration for work.
965 (c) To make continued claims for benefits, she or he is
966 reporting to the department in accordance with this paragraph
967 and department rules, and participating in an initial skills
968 review, as directed by the department. Department rules may not
969 conflict with s. 443.111(1)(b), which requires that each
970 claimant continue to report regardless of any pending appeal
971 relating to her or his eligibility or disqualification for
972 benefits.
973 1. For each week of unemployment claimed, each report must,
974 at a minimum, include the name, address, and telephone number of
975 each prospective employer contacted, or the date the claimant
976 reported to a one-stop career center, pursuant to paragraph (d).
977 2. The administrator or operator of the initial skills
978 review shall notify the department when the individual completes
979 the initial skills review and report the results of the review
980 to the regional workforce board or the one-stop career center as
981 directed by the workforce board. The department shall prescribe
982 a numeric score on the initial skills review that demonstrates a
983 minimal proficiency in workforce skills. The department,
984 workforce board, or one-stop career center shall use the initial
985 skills review to develop a plan for referring individuals to
986 training and employment opportunities. The failure of the

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987 individual to comply with this requirement will result in the
988 individual being determined ineligible for benefits for the week
989 in which the noncompliance occurred and for any subsequent week
990 of unemployment until the requirement is satisfied. However,
991 this requirement does not apply if the individual ~~is able to~~
992 ~~affirmatively attest to being unable to complete such review due~~
993 ~~to illiteracy or a language impediment or~~ is exempt from the
994 work registration requirement as set forth in paragraph (b).
995 3. Any individual who falls below the minimal proficiency
996 score prescribed by the department in subparagraph 2. on the
997 initial skills review shall be offered training opportunities
998 and encouraged to participate in such training at no cost to the
999 individual in order to improve his or her workforce skills to
1000 the minimal proficiency level.
1001 4. The department shall coordinate with Workforce Florida,
1002 Inc., the workforce boards, and the one-stop career centers to
1003 identify, develop, and utilize best practices for improving the
1004 skills of individuals who choose to participate in training
1005 opportunities and who have a minimal proficiency score below the
1006 score prescribed in subparagraph 2.
1007 5. The department, in coordination with Workforce Florida,
1008 Inc., the workforce boards, and the one-stop career centers,
1009 shall evaluate the use, effectiveness, and costs associated with
1010 the training prescribed in subparagraph 3. and report its
1011 findings and recommendations for training and the use of best
1012 practices to the Governor, the President of the Senate, and the
1013 Speaker of the House of Representatives by January 1, 2013.
1014 Section 36. Paragraph (b) of subsection (4) of section
1015 443.1113, Florida Statutes, is amended to read:

1016 443.1113 Reemployment Assistance Claims and Benefits
1017 Information System.—
1018 (4) The project to implement the Reemployment Assistance
1019 Claims and Benefits Information System is ~~shall be~~ comprised of
1020 the following phases and corresponding implementation
1021 timeframes:
1022 (b) The Reemployment Assistance Claims and Benefits
1023 Internet portal that replaces the Florida Unemployment Internet
1024 Direct and the Florida Continued Claims Internet Directory
1025 systems, the Call Center Interactive Voice Response System, the
1026 Benefit Overpayment Screening System, the Internet and Intranet
1027 Appeals System, and the Claims and Benefits Mainframe System
1028 shall be deployed to full operational status no later than the
1029 end of fiscal year 2013-2014 ~~2012-2013~~.
1030 Section 37. Subsection (5) of section 443.131, Florida
1031 Statutes, is amended to read:
1032 443.131 Contributions.—
1033 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—
1034 (a) When the Unemployment Compensation Trust Fund has
1035 received advances from the Federal Government under the
1036 provisions of 42 U.S.C. s. 1321, each contributing employer
1037 shall be assessed an additional rate solely for the purpose of
1038 paying interest due on such federal advances. The additional
1039 rate shall be assessed no later than February 1 in each calendar
1040 year in which an interest payment is due.
1041 (b) The Revenue Estimating Conference shall estimate the
1042 amount of ~~such~~ interest due on federal advances by ~~no later than~~
1043 December 1 of the calendar year before ~~preceding~~ the calendar
1044 year in which an interest payment is due. The Revenue Estimating

1045 Conference shall, at a minimum, consider the following as the
1046 basis for the estimate:
1047 1. The amounts actually advanced to the trust fund.
1048 2. Amounts expected to be advanced to the trust fund based
1049 on current and projected unemployment patterns and employer
1050 contributions.
1051 3. The interest payment due date.
1052 4. The interest rate that will be applied by the Federal
1053 Government to any accrued outstanding balances.
1054 (c) ~~(b)~~ The tax collection service provider shall calculate
1055 the additional rate to be assessed against contributing
1056 employers. The additional rate assessed for a calendar year is
1057 ~~shall be~~ determined by dividing the estimated amount of interest
1058 to be paid in that year by 95 percent of the taxable wages as
1059 described in s. 443.1217 paid by all employers for the year
1060 ending June 30 of the previous ~~immediately preceding~~ calendar
1061 year. The amount to be paid by each employer is ~~shall be~~ the
1062 product obtained by multiplying such employer's taxable wages as
1063 described in s. 443.1217 for the year ending June 30 of the
1064 previous ~~immediately preceding~~ calendar year by the rate as
1065 determined by this subsection. An assessment may not be made if
1066 the amount of assessments on deposit from previous years, plus
1067 any earned interest, is at least 80 percent of the estimated
1068 amount of interest.
1069 (d) The tax collection service provider shall make a
1070 separate collection of such assessment, which may be collected
1071 at the time of employer contributions and subject to the same
1072 penalties for failure to file a report, imposition of the
1073 standard rate pursuant to paragraph (3)(h), and interest if the

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1074 assessment is not received on or before June 30. Section
1075 443.141(1)(d) and (e) does not apply to this separately
1076 collected assessment. The tax collection service provider shall
1077 maintain those funds in the tax collection service provider's
1078 Audit and Warrant Clearing Trust Fund until the provider is
1079 directed by the Governor or the Governor's designee to make the
1080 interest payment to the Federal Government. Assessments on
1081 deposit must be available to pay the interest on advances
1082 received from the Federal Government under 42 U.S.C. s. 1321.
1083 Assessments on deposit may be invested and any interest earned
1084 shall be part of the balance available to pay the interest on
1085 advances received from the Federal Government under 42 U.S.C. s.
1086 1321.
1087 (e) Four months after ~~In the calendar year that~~ all
1088 advances from the Federal Government under 42 U.S.C. s. 1321 and
1089 associated interest are repaid, ~~if there are assessment funds in~~
1090 ~~excess of the amount required to meet the final interest~~
1091 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
1092 Clearing Trust Fund, including associated interest, shall be
1093 transferred to ~~credited to employer accounts in~~ the Unemployment
1094 Compensation Trust Fund. Any assessment amounts subsequently
1095 collected shall also be transferred to the Unemployment
1096 Compensation Trust Fund ~~in an amount equal to the employer's~~
1097 ~~contribution to the assessment for that year divided by the~~
1098 ~~total amount of the assessment for that year, the result of~~
1099 ~~which is multiplied by the amount of excess assessed funds~~.
1100 (f) If ~~However, if~~ the state is permitted to defer interest
1101 payments due during a calendar year under 42 U.S.C. s. 1322,
1102 payment of the interest assessment is ~~shall~~ not ~~be~~ due. If a

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1103 deferral of interest expires or is subsequently disallowed by
1104 the Federal Government, either prospectively or retroactively,
1105 the interest assessment shall be immediately due and payable.
1106 Notwithstanding any other provision of this section, if interest
1107 due during a calendar year on federal advances is forgiven or
1108 postponed under federal law and is no longer due during that
1109 calendar year, no interest assessment shall be assessed against
1110 an employer for that calendar year, and any assessment already
1111 assessed and collected against an employer before the
1112 forgiveness or postponement of the interest for that calendar
1113 year shall be credited to such employer's account in the
1114 Unemployment Compensation Trust Fund. However, such funds may be
1115 used only to pay benefits or refunds of erroneous contributions.
1116 (g) This subsection expires July 1, 2014.
1117 Section 38. Paragraph (b) of subsection (2) and paragraph
1118 (a) of subsection (6) of section 443.151, Florida Statutes, are
1119 amended to read:
1120 443.151 Procedure concerning claims.—
1121 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1122 CLAIMANTS AND EMPLOYERS.—
1123 (b) *Process.*—When the Reemployment Assistance Claims and
1124 Benefits Information System described in s. 443.1113 is fully
1125 operational, the process for filing claims must incorporate the
1126 process for registering for work with the workforce information
1127 systems established pursuant to s. 445.011. Unless exempted
1128 under s. 443.091(1)(b)5., a claim for benefits may not be
1129 processed until the work registration requirement is satisfied.
1130 The department may adopt rules as necessary to administer the
1131 work registration requirement set forth in this paragraph.

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1132 (6) RECOVERY AND RECOUPMENT.—
1133 (a) Any person who, by reason of her or his fraud, receives
1134 benefits under this chapter to which she or he is not entitled
1135 is liable for repaying those benefits to the Department of
1136 Economic Opportunity on behalf of the trust fund or, in the
1137 discretion of the department, to have those benefits deducted
1138 from future benefits payable to her or him under this chapter.
1139 In addition, the department shall impose upon the claimant a
1140 penalty equal to 15 percent of the amount overpaid. To enforce
1141 this paragraph, the department must find the existence of fraud
1142 through a redetermination or decision under this section within
1143 2 years after the fraud was committed. Any recovery or
1144 recoupment of benefits must be commenced within 7 years after
1145 the redetermination or decision.
1146 Section 39. Subsection (1) of section 443.191, Florida
1147 Statutes, is amended to read:
1148 443.191 Unemployment Compensation Trust Fund; establishment
1149 and control.—
1150 (1) There is established, as a separate trust fund apart
1151 from all other public funds of this state, an Unemployment
1152 Compensation Trust Fund, which shall be administered by the
1153 Department of Economic Opportunity exclusively for the purposes
1154 of this chapter. The fund must ~~shall~~ consist of:
1155 (a) All contributions and reimbursements collected under
1156 this chapter;
1157 (b) Interest earned on any moneys in the fund;
1158 (c) Any property or securities acquired through the use of
1159 moneys belonging to the fund;
1160 (d) All earnings of these properties or securities;

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1161 (e) All money credited to this state's account in the
1162 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
1163 1103; ~~and~~
1164 (f) All money collected for penalties imposed pursuant to
1165 s. 443.151(6)(a); and
1166 (g) Advances on the amount in the federal Unemployment
1167 Compensation Trust Fund credited to the state under 42 U.S.C. s.
1168 1321, as requested by the Governor or the Governor's designee.
1169
1170 Except as otherwise provided in s. 443.1313(4), all moneys in
1171 the fund must ~~shall~~ be mingled and undivided.
1172 Section 40. Subsection (1) of section 443.1715, Florida
1173 Statutes, is amended to read:
1174 443.1715 Disclosure of information; confidentiality.—
1175 (1) RECORDS AND REPORTS.—Information revealing an employing
1176 unit's or individual's identity obtained from the employing unit
1177 or any individual under the administration of this chapter, and
1178 any determination revealing that information, is confidential
1179 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1180 Constitution. This confidential information may be released in
1181 accordance with the provisions in 20 C.F.R. part 603. A person
1182 receiving confidential information who violates this subsection
1183 commits a misdemeanor of the second degree, punishable as
1184 provided in s. 775.082 or s. 775.083. The Department of Economic
1185 Opportunity or its tax collection service provider may, however,
1186 furnish to any employer copies of any report submitted by that
1187 employer upon the request of the employer and may furnish to any
1188 claimant copies of any report submitted by that claimant upon
1189 the request of the claimant. The department or its tax

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1190 collection service provider may charge a reasonable fee for
1191 copies of these reports as prescribed by rule, which may not
1192 exceed the actual reasonable cost of the preparation of the
1193 copies. Fees received for copies under this subsection must be
1194 deposited in the Employment Security Administration Trust Fund.
1195 Section 41. Paragraph (b) of subsection (3) and subsection
1196 (4) of section 446.50, Florida Statutes, are amended to read:
1197 446.50 Displaced homemakers; multiservice programs; report
1198 to the Legislature; Displaced Homemaker Trust Fund created.—
1199 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
1200 OPPORTUNITY.—
1201 (b)1. The department shall enter into contracts with, and
1202 make grants to, public and nonprofit private entities for
1203 purposes of establishing multipurpose service programs for
1204 displaced homemakers under this section. Such grants and
1205 contracts must ~~shall~~ be awarded pursuant to chapter 287 and
1206 based on criteria established in the program ~~state~~ plan as
1207 provided in subsection (4) ~~developed pursuant to this section~~.
1208 The department shall designate catchment areas that together,
1209 must ~~shall~~ compose the entire state, and, to the extent possible
1210 from revenues in the Displaced Homemaker Trust Fund, the
1211 department shall contract with, and make grants to, entities
1212 that will serve entire catchment areas so that displaced
1213 homemaker service programs are available statewide. These
1214 catchment areas must ~~shall~~ be coterminous with the state's
1215 workforce development regions. The department may give priority
1216 to existing displaced homemaker programs when evaluating bid
1217 responses to the request for proposals.
1218 2. In order to receive funds under this section, and unless

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1219 specifically prohibited by law from doing so, an entity that
1220 provides displaced homemaker service programs must receive at
1221 least 25 percent of its funding from one or more local,
1222 municipal, or county sources or nonprofit private sources. In-
1223 kind contributions may be evaluated by the department and
1224 counted as part of the required local funding.
1225 3. The department shall require an entity that receives
1226 funds under this section to maintain appropriate data to be
1227 compiled in an annual report to the department. Such data must
1228 ~~shall~~ include, but is ~~shall~~ not ~~be~~ limited to, the number of
1229 clients served, the units of services provided, designated
1230 client-specific information including intake and outcome
1231 information specific to each client, costs associated with
1232 specific services and program administration, total program
1233 revenues by source and other appropriate financial data, and
1234 client followup information at specified intervals after the
1235 placement of a displaced homemaker in a job.
1236 (4) DISPLACED HOMEMAKER PROGRAM ~~STATE~~ PLAN.—
1237 ~~(a)~~ The Department of Economic Opportunity shall include in
1238 its annual report required under s. 20.60 a ~~develop a 3-year~~
1239 ~~state~~ plan for the displaced homemaker program ~~which shall be~~
1240 ~~updated annually~~. The plan must address, at a minimum, the need
1241 for programs specifically designed to serve displaced
1242 homemakers, any necessary service components for such programs
1243 in addition to those described ~~enumerated~~ in this section, goals
1244 of the displaced homemaker program with an analysis of the
1245 extent to which those goals are being met, and recommendations
1246 for ways to address any unmet program goals. Any request for
1247 funds for program expansion must be based on the ~~state~~ plan.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1248 ~~(b)~~ The displaced homemaker program ~~Each annual update must~~
1249 ~~address any changes in the components of the 3-year state~~ plan
1250 ~~and a report that~~ must include, but need not be limited to, the
1251 following:
1252 (a)~~1.~~ The scope of the incidence of displaced homemakers;
1253 (b)~~2.~~ A compilation and report, by program, of data
1254 submitted to the department pursuant to subparagraph (3)(b)3.
1255 ~~subparagraph 3.~~ by funded displaced homemaker service programs;
1256 (c)~~3.~~ An identification and description of the programs in
1257 the state which receive funding from the department, including
1258 funding information; and
1259 (d)~~4.~~ An assessment of the effectiveness of each displaced
1260 homemaker service program based on outcome criteria established
1261 by rule of the department.
1262 ~~(c) The 3-year state plan must be submitted to the~~
1263 ~~President of the Senate, the Speaker of the House of~~
1264 ~~Representatives, and the Governor on or before January 1, 2001,~~
1265 ~~and annual updates of the plan must be submitted by January 1 of~~
1266 ~~each subsequent year.~~
1267 Section 42. This act shall take effect July 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Andy Gardiner, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: March 20, 2013

I respectfully request that **Senate Bill #1024**, relating to Department of Economic Opportunity, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Nancy C. Detert
Florida Senate, District 28

File signed original with committee office

S-020 (03/2004)

Waive

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/12
Meeting Date

Topic: DEO

Bill Number: SB 1024 *(if applicable)*

Name: Carolyn Johnson

Amendment Barcode: *(if applicable)*

Job Title: Policy Director

Address: 136 S Bronough St
Street

Tallahassee, FL 32301
City, State, Zip

Phone: 850-521-1235

E-mail: cjohnson@flchamber.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Florida Chamber of Commerce

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Spoke

3 / 27/2013
Meeting Date

Topic _____ Bill Number 1024 *(if applicable)*

Name BRIAN PITTS Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1188

INTRODUCER: Governmental Oversight and Accountability and Senator Hays

SUBJECT: Archaeological Sites and Specimens

DATE: March 22, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Naf	McVaney	GO	**Fav/CS**
2.	Carey	Martin	ATD	**Fav/CS**
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... [X] Statement of Substantial Changes

B. AMENDMENTS..... [ ] Technical amendments were recommended

[ ] Amendments were recommended

[ ] Significant amendments were recommended

I. Summary:

CS/SB 1188 expands existing restrictions on archaeological activities and makes conforming permitting and penalty changes.

The bill expands the prohibition of activities relating to archeological sites and resources and could result in an indeterminate, but positive, fiscal impact resulting from the collection of administrative fines or restitution.

Current law prohibits persons from conducting archaeological field investigations on, removing or attempting to remove, or defacing, destroying, or otherwise altering any archaeological site or specimen that is located on land owned or controlled by the state or land within the boundaries of a designated state archaeological landmark or landmark zone, except pursuant to a permit or under procedures relating to accredited institutions granted by the Department of State's Division of Historical Resources. Current law also provides penalties for persons who violate the restrictions and a process by which a person may apply for an archaeological permit.

This bill creates a definition for "water authority" for purposes of the sections amended by the bill. It expands the area where unauthorized archaeological activity is prohibited to also include land owned by a water authority. The bill also adds land owned by a water authority to those lands which are subject to the associated penalty and permitting provisions.

This bill substantially amends sections 267.12 and 267.13, Florida Statutes.

II. Present Situation:

State Policy Relative to Historic Properties

The "State Policy Relative to Historic Properties"[1] acknowledges that the rich and unique heritage of historic properties in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations, and that the destruction of these nonrenewable historical resources will engender a significant loss to the state's quality of life, economy, and cultural environment. It is the policy of the state to:

- Provide leadership in the preservation of the state's historic resources;
- Administer state-owned or state-controlled historic resources in a spirit of stewardship and trusteeship;
- Contribute to the preservation of non-state-owned historic resources and to give encouragement to organizations and individuals undertaking preservation by private means;
- Foster conditions, using measures that include financial and technical assistance, for a harmonious coexistence of society and state historic resources;
- Encourage the public and private preservation and utilization of elements of the state's historically built environment; and
- Assist local governments to expand and accelerate their historic preservation programs and activities.[2]

This policy also provides that all treasure trove, artifacts, and objects having intrinsic or historical and archaeological value, which have been abandoned on state-owned lands or state-owned sovereignty submerged lands, belong to the state with the title thereto vested in the Division of Historical Resources of the Department of State for the purposes of administration and protection.[3]

State Archaeological Landmarks and Landmark Zones

The Division of Historical Resources (Division) may designate an archaeological site of significance to the scientific study or public representation of the state's historical, prehistoric, or aboriginal past as a "state archaeological landmark."[4] In addition, the Division may designate an interrelated grouping of significant archaeological sites as a "state archaeological landmark

[1] Section 267.061, F.S.
[2] Section 267.061(1)(a), F.S.
[3] Section 267.061(1)(b), F.S.
[4] Section 267.11, F.S.

zone."[5] No site or grouping of sites can be designated without the express written consent of a private owner.[6] Upon designation of an archaeological site, the owners and occupants are given written notification by the Division.[7] Once so designated, no person may conduct field investigation activities on the site without first securing a permit from the Division.[8]

Archaeological Research Permits

The Division may issue permits for excavation and surface reconnaissance on state lands or lands within the boundaries of designated state archaeological landmarks or landmark zones to institutions which the Division deems to be properly qualified to conduct such activity, subject to the Division rules and regulations, provided such activity is undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies that possess or will secure the archaeological expertise for the performance of systematic archaeological field research, comprehensive analysis, and interpretation in the form of publishable reports and monographs.[9]

Those state institutions considered by the Division to permanently possess the required archaeological expertise to conduct the archaeological activities permissible under the provisions of a permit may be designated as accredited institutions.[10] These institutions are allowed to conduct archaeological field activities on state-owned or controlled lands or within the boundaries of any designated state archaeological landmark or any landmark zone without obtaining an individual permit for each project.[11] The institutions are required to give prior written notice of all anticipated archaeological field activities, together with such information as may reasonably be required by the Division to ensure the proper preservation, protection, and excavation of archaeological resources.[12] However, no archaeological activity can be commenced by the accredited institution until the Division determines that the planned project is in conformity with guidelines, regulations, and criteria.[13] Such determination is made by the Division within 15 days from the date of notification.[14]

Prohibited Archaeological Practices and Penalties

Any person who by means other than excavation conducts archaeological field investigations on, or removes or attempts to remove, or defaces, destroys, or otherwise alters any archaeological site or specimen located upon land owned or controlled by the state or within the boundaries of a designated state archaeological landmark or landmark zone, except in the course of activities pursued under the authority of a permit granted by the Division or under procedures relating to accredited institutions, commits a misdemeanor of the first degree, punishable as provided in

[5] *Id*.
[6] *Id.*
[7] *Id*.
[8] *Id*.
[9] Section 267.12., F.S.
[10] *Id*.
[11] *Id*.
[12] *Id*.
[13] *Id*.
[14] *Id*.

s. 775.082, F.S., or s. 775.083, F.S., and, in addition, forfeits to the state all specimens, objects, and materials collected, together with all photographs and records relating to such material.[15]

A person who engages in the same conduct by means of excavation commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., and any vehicle or equipment used in connection with the violation is subject to forfeiture to the state. Such person may be ordered by the court to make restitution to the state for the archaeological or commercial value and cost of restoration and repair.[16] Individuals also are prohibited, and subject to criminal penalties, for selling or procuring archaeological objects which have been collected in violation of state law.[17]

The Division additionally has authority to institute administrative proceedings to impose an administrative fine of not more than $500 a day on, and apply to a court of competent jurisdiction for injunctive relief against, any person or business organization that, without written permission of the Division, explores for, salvages, or excavates treasure trove, artifacts, sunken or abandoned ships, or other objects having historical or archaeological value located on state-owned or state-controlled lands, including state sovereignty submerged lands.[18]

Water Authorities

Current law does not define "water authority." However, the Legislature has created two independent special districts of the state that are currently titled "water authority."

The Lake County Water Authority, created as the Ocklawaha Basin Recreation and Water Conservation Control Authority,[19] was renamed to its current name in 2000.[20] Its duties include:

- Controlling and conserving the freshwater resources of Lake County (county);
- Fostering and improving the tourist business in the county by improvements to the county's streams, lakes, and canals;
- Providing recreational facilities for the county's tourists, citizens, and taxpayers by a more efficient use of the county's streams, lakes, and canals;
- Preserving, protecting, and improving the county's fish and wildlife; and
- Protecting the county's freshwater resources through assisting local governments in treatment of stormwater runoff.[21]

The Tohopekaliga Water Authority, created within Osceola County,[22] is tasked with performing such acts as shall be necessary for the sound planning, acquisition, development, operation, and

[15] Section 267.13(1)(a), F.S.
[16] Section 267.13(1)(b), F.S.
[17] Section 267.13(1)(c), F.S.
[18] Section 267.13(2), F.S.
[19] Chapter 29222, L.O.F.
[20] Chapter 2000-492, L.O.F.
[21] *Id*.
[22] Chapter 2003-368, s. 4(2), L.O.F. The chapter also authorizes expansion of water authority's boundary to include any service area within the boundaries of an affected general purpose local government upon the adoption of a resolution by the governing body of the affected general purpose local government authorizing the water authority to provide its service and facilities therein (*id*.).

maintenance of governmentally-owned potable and non-potable water and wastewater management and delivery systems within its district and its service area.[23]

In addition to "water authority," the names of legislatively-created entities tasked with water management-related duties include, but are not limited to:

- Water *supply* authority;[24]
- Aqueduct authority;[25] and
- Water management district.[26]

The specific duties of such entities vary, but all are related to the management or provision of water resources.

III. Effect of Proposed Changes:

For purposes of the sections amended by this bill, the bill defines "water authority" to mean an independent special district created by special act whose purpose is to control and conserve freshwater resources. Water management districts created pursuant to s. 373.069, F.S., are specificallly excluded from the definition.

This bill expands the area where unauthorized archaeological activity is prohibited to also include land owned by a water authority. The bill also adds land owned by a water authority to those lands which are subject to the associated penalty and permitting provisions.

The bill conforms a cross-reference to numbering changes made by the bill.

The bill's effective date is July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The Florida Constitution provides that no county or municipality may be bound by any general law that mandates it to spend funds or to take an action requiring the expenditure

[23] Chapter 2003-368, s. 5, L.O.F.

[24] Section 373.713(1), F.S., provides that if certain conditions are met, regional water supply authorities may be created as voluntary cooperatives between local governments 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 of water from concentrated areas. Florida has numerous water supply authorities, including, but not limited to, the Peace River Manasota Regional Water Supply Authority (http://www.regionalwater.org/), the Withlacoochee Regional Water Supply Authority (http://www.wrwsa.org/), and the South Metro Water Supply Authority (http://www.southmetrowater.org/) (all websites last visited on March 18, 2013).

[25] *See*, for example, the Florida Keys Aqueduct Authority, created by ch. 76-441, L.O.F. The term "aqueduct authority" is not defined in the Florida Statutes.

[26] Section 373.019(23), F.S., defines "water management district" to mean any flood control, resource management, or water management district operating under the authority of the chapter. Florida has five regional water management districts: Northwest Florida, Suwanee River, St. Johns River, Southwest Florida, and South Florida (*see* "*Water Management Districts*," Florida Department of Environmental Protection, http://www.dep.state.fl.us/secretary/watman/ (last visited March 18, 2013)).

of funds unless the Legislature determines that such law fulfills an important state interest *and* one of specified other requirements is met.[27] Certain laws, including those with an insignificant fiscal impact, are exempt from the mandates restrictions of the section.[28]

This bill may require counties and municipalities to take actions that may require the expenditure of funds. If so, the bill may be exempt if the fiscal impact is insignificant.

If the bill has a significant fiscal impact, it may still qualify for an exception if it contains a legislative finding that it fulfills an important state interest *and* meets one of the other specified requirements. The bill does not contain a finding that it fulfills an important state interest; however, it may meet one of the other specified requirements. If the bill is interpreted to apply to all water management entities of the state, it may apply to all persons similarly situated. The bill also could meet one of the other specified requirements by passing with a two-thirds vote of the membership of each house.[29]

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

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[27] Article VII, s. 18(a) of the Florida Constitution. The specified other requirements are:

- Funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure;
- The Legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality;
- The law requiring such expenditure is approved by two-thirds of the membership in each house of the Legislature;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; *or*
- The law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance. *Id*.

[28] Article VII, s. 18(d) of the Florida Constitution. Other laws that are exempt from the mandates requirements are:

- Laws adopted to require funding of pension benefits existing on the effective date of Art. VII, s. 18 of the Florida Constitution;
- Criminal laws;
- Election laws;
- The general appropriations act;
- Special appropriations acts;
- Laws reauthorizing but not expanding then-existing statutory authority; and
- Laws creating, modifying, or repealing noncriminal infractions. *Id*.

[29] A two-thirds vote of the membership of each house requires a two-thirds vote of *all* members, not just of those present and voting.

B. Private Sector Impact:

None.

C. Government Sector Impact:

State Government

Revenues

Expanding the prohibition of specified activities relating to archaeological sites and resources could result in the collection of additional administrative fines or restitution. The Department of State (department) is unable to estimate the amount of such potential revenues because they would be dependent on successful prosecutions.[30]

Expenditures

In its analysis for the original bill, the department indicated that passage of the bill would double the current permitting workload and require an additional, full-time equivalent position in the amount of $45,120.[31] However, the committee substitute's creation of a definition for "water authority" will significantly decrease the anticipated permitting workload, and the department indicates that it can absorb the workload increase within existing resources.

The department also states that state law enforcement may need to be enhanced to prevent unauthorized archaeological activities on land owned by a water authority.[32]

Local Government

Revenues

None.

Expenditures

The department states that water authority land managers will be required to coordinate with the department's Division of Historical Resources in the preparation of permits prior to anticipated archaeological field activities.[33]

The department also states that local law enforcement may need to be enhanced to prevent unauthorized archaeological activities on land owned by a water authority.[34]

---

[30] Department of State bill analysis, dated March 14, 2013 (on file with the Senate Governmental Oversight and Accountability Committee).
[31] *Id*.
[32] *Id*.
[33] *Id*.
[34] *Id*.

It is indeterminate as to whether any such effects on local government could be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Subcommittee on Transportation, Tourism and Economic Development Appropriations on March 27, 2013:

The CS/CS clarifies the definition for "water authority" as an independent special district created by special act, and specifically excludes water management districts.

CS by Governmental Oversight and Accountability on March 21, 2013:

The CS differs from the original bill in that it creates a definition for "water authority."

B. Amendments:

None.

878626

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/29/2013	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Evers) recommended the following:

1 **Senate Amendment**
2
3 Delete line 24
4 and insert:
5 by special act whose purpose is to control and conserve

807324

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Evers) recommended the following:

1 **Senate Substitute for Amendment (878626)**
2
3 Delete lines 24 - 25
4 and insert:
5 by special act whose purpose is to control and conserve
6 freshwater resources. The term does not include any water
7 management district created pursuant to s. 373.069.

By the Committee on Governmental Oversight and Accountability; and Senator Hays

585-02862-13 20131188c1

A bill to be entitled

An act relating to archeological sites and specimens; amending s. 267.12, F.S.; providing a definition for "water authority"; authorizing the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a water authority; amending s. 267.13, F.S.; providing that specified activities relating to archaeological sites and specimens located upon land owned by a water authority are prohibited and subject to penalties; authorizing the division to impose an administrative fine on and seek injunctive relief against certain entities; amending s. 1004.56, F.S.; correcting a cross-reference; providing an effective date.

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

Section 1. Section 267.12, Florida Statutes, is amended to read:

267.12 Research permits; procedure.—

(1) As used in this section and s. 267.13, the term "water authority" means an independent special district created pursuant to s. 189.404 whose purpose is to control and conserve freshwater resources.

(2) The division may issue permits for excavation and surface reconnaissance on land owned or controlled by the state, land owned by a water authority, ~~lands~~ or land ~~lands~~ within the boundaries of a designated state archaeological landmark

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-02862-13 20131188c1

~~landmarks~~ or landmark zone ~~zones~~ to institutions that ~~which~~ the division deems ~~shall deem~~ to be properly qualified to conduct such activity, subject to such rules and regulations as the division may prescribe, provided such activity is undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies that possess or will secure the archaeological expertise for the performance of systematic archaeological field research, comprehensive analysis, and interpretation in the form of publishable reports and monographs, such reports to be submitted to the division.

(3) ~~(2)~~ Those state institutions considered by the division permanently to possess the required archaeological expertise to conduct the archaeological activities allowed under ~~the provisions of~~ the permit may be designated as accredited institutions which will be allowed to conduct archaeological field activities on land owned or controlled by the state, land owned by a water authority, ~~state owned or controlled lands~~ or land within the boundaries of a ~~any~~ designated state archaeological landmark or ~~any~~ landmark zone without obtaining an individual permit for each project, except that those accredited institutions will be required to give prior written notice of all anticipated archaeological field activities on land owned or controlled by the state, land owned by a water authority, ~~state owned or controlled lands~~ or land within the boundaries of a ~~any~~ designated state archaeological landmark or landmark zone to the division, together with such information as may reasonably be required by the division to ensure the proper preservation, protection, and excavation of the archaeological

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

resources. However, ~~no~~ archaeological activity may not be commenced by the accredited institution until the division has determined that the planned project will be in conformity with the guidelines, regulations, and criteria adopted pursuant to ss. 267.11-267.14. Such determination will be made by the division and notification to the institution given within ~~a period of~~ 15 days after ~~from the time of~~ receipt of the prior notification by the division.

(4) ~~(3)~~ All specimens collected under a permit issued by the division or under the procedures adopted for accredited institutions shall belong to the state with the title thereto vested in the division for the purpose of administration and protection. The division may arrange for the disposition of the specimens so collected by accredited state institutions at those institutions and for the temporary or permanent loan of such specimens at permitholding institutions for the purpose of further scientific study, interpretative displays, and curatorial responsibilities.

Section 2. Subsections (1) and (2) of section 267.13, Florida Statutes, are amended to read:

267.13 Prohibited practices; penalties.—

(1)(a) Any person who by means other than excavation ~~either~~ conducts archaeological field investigations on, or removes or attempts to remove~~,~~ or defaces, destroys, or otherwise alters any archaeological site or specimen located upon, ~~any~~ land owned or controlled by the state, land owned by a water authority, or land within the boundaries of a designated state archaeological landmark or landmark zone, except in the course of activities pursued under the authority of a permit or under procedures

relating to accredited institutions granted by the division, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, in addition, shall forfeit to the state all specimens, objects, and materials collected, together with all photographs and records relating to such material.

(b) Any person who by means of excavation ~~either~~ conducts archaeological field investigations on, or removes or attempts to remove~~,~~ or defaces, destroys, or otherwise alters any archaeological site or specimen located upon, ~~any~~ land owned or controlled by the state, land owned by a water authority, or land within the boundaries of a designated state archaeological landmark or landmark zone, except in the course of activities pursued under the authority of a permit or under procedures relating to accredited institutions granted by the division, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and any vehicle or equipment of any person used in connection with the violation is subject to forfeiture to the state if it is determined by any court of law that the vehicle or equipment was involved in the violation. Such person shall forfeit to the state all specimens, objects, and materials collected or excavated, together with all photographs and records relating to such material. The court may also order the defendant to make restitution to the state for the archaeological or commercial value and cost of restoration and repair as defined in subsection (4).

(c) Any person who offers for sale or exchange any object with knowledge that it has previously been collected or excavated in violation of any of the terms of ss. 267.11-267.14,

or who procures, counsels, solicits, or employs any other person to violate any prohibition contained in ss. 267.11-267.14 or to sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource excavated or removed from ~~any~~ land owned or controlled by the state, land owned by a water authority, or land within the boundaries of a designated state archaeological landmark or landmark zone, except with the express consent of the division, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and any vehicle or equipment of any person used in connection with the violation is subject to forfeiture to the state if it is determined by any court of law that such vehicle or equipment was involved in the violation. All specimens, objects, and material collected or excavated, together with all photographs and records relating to such material, shall be forfeited to the state. The court may also order the defendant to make restitution to the state for the archaeological or commercial value and cost of restoration and repair as defined in subsection (4).

(2)(a) The division may institute an administrative proceeding to impose an administrative fine of not more than $500 a day on any person or business organization that, without written permission of the division, explores for, salvages, or excavates treasure trove, artifacts, sunken or abandoned ships, or other objects having historical or archaeological value located upon land owned or controlled by the state ~~on state-owned or state-controlled lands~~, including state sovereignty submerged land, or land owned by a water authority ~~lands~~.

(b) The division shall institute an administrative

proceeding by serving written notice of a violation by certified mail upon the alleged violator. The notice shall specify the law or rule allegedly violated and the facts upon which the allegation is based. The notice shall also specify the amount of the administrative fine sought by the division. The fine is ~~shall~~ not ~~become~~ due until after service of notice and an administrative hearing. However, the alleged violator has ~~shall have~~ 20 days after ~~from~~ service of notice to request an administrative hearing. Failure to respond within that time constitutes ~~shall constitute~~ a waiver, and the fine becomes ~~shall become~~ due without a hearing.

(c) The division may enter its judgment for the amount of the administrative penalty imposed in a court of competent jurisdiction, pursuant to s. 120.69. The judgment may be enforced as any other judgment.

(d) The division may apply to a court of competent jurisdiction for injunctive relief against any person or business organization that explores for, salvages, or excavates treasure trove, artifacts, sunken or abandoned ships, or other objects having historical or archaeological value located upon ~~on state-owned or state-controlled~~ land owned or controlled by the state, including state sovereignty submerged land, or land owned by a water authority without the written permission of the division.

(e) The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ~~implement the provisions of~~ this section.

Section 3. Subsection (1) of section 1004.56, Florida Statutes, is amended to read:

175 1004.56 Florida Museum of Natural History; functions.—
176 (1) The functions of the Florida Museum of Natural History,
177 located at the University of Florida, are to make scientific
178 investigations toward the sustained development of natural
179 resources and a greater appreciation of human cultural heritage,
180 including, but not limited to, biological surveys, ecological
181 studies, environmental impact assessments, in-depth
182 archaeological research, and ethnological analyses, and to
183 collect and maintain a depository of biological, archaeological,
184 and ethnographic specimens and materials in sufficient numbers
185 and quantities to provide within the state and region a base for
186 research on the variety, evolution, and conservation of wild
187 species; the composition, distribution, importance, and
188 functioning of natural ecosystems; and the distribution of
189 prehistoric and historic archaeological sites and an
190 understanding of the aboriginal and early European cultures that
191 occupied them. State institutions, departments, and agencies may
192 deposit type collections from archaeological sites in the
193 museum, and it shall be the duty of each state institution,
194 department, and agency to cooperate by depositing in the museum
195 voucher and type biological specimens collected as part of the
196 normal research and monitoring duties of its staff and to
197 transfer to the museum those biological specimens and
198 collections in its possession but not actively being curated or
199 used in the research or teaching of that institution,
200 department, or agency. The Florida Museum of Natural History is
201 empowered to accept, preserve, maintain, or dispose of these
202 specimens and materials in a manner which makes each collection
203 and its accompanying data available for research and use by the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

204 staff of the museum and by cooperating institutions,
205 departments, agencies, and qualified independent researchers.
206 The biological, archaeological, and ethnographic collections
207 shall belong to the state with the title vested in the Florida
208 Museum of Natural History, except as provided in s. 267.12(4)
209 ~~267.12(3)~~. In collecting or otherwise acquiring these
210 collections, the museum shall comply with pertinent state
211 wildlife, archaeological, and agricultural laws and rules.
212 However, all collecting, quarantine, and accreditation permits
213 issued by other institutions, departments, and agencies shall be
214 granted routinely for said museum research study or collecting
215 effort on state lands or within state jurisdiction which does
216 not pose a significant threat to the survival of endangered wild
217 species, habitats, or ecosystems. In addition, the museum shall
218 develop exhibitions and conduct programs which illustrate,
219 interpret, and explain the natural history of the state and
220 region and shall maintain a library of publications pertaining
221 to the work as herein provided. The exhibitions, collections,
222 and library of the museum shall be open, free to the public,
223 under suitable rules to be promulgated by the director of the
224 museum and approved by the University of Florida.
225 Section 4. This act shall take effect July 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Andy Gardiner, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

CC: Skip Martin, Staff Director
Elizabeth Wells, Administrative Assistant

Subject: Committee Agenda Request

Date: March 19, 2013

I respectfully request that **Senate Bill #1188**, relating to Archeological Sites and Specimens, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Alan Hays
Florida Senate, District 11
320 Senate Office Building
(850) 487-5011

File signed original with committee office

Sp 54a

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/2013
Meeting Date

Topic _____ Bill Number 1188 *(if applicable)*

Name BRIAN PITTS Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 1458

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 20, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everett	Eichin	TR	**Fav/CS**
2.	Carey	Martin	ATD	**Fav/CS**
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/CS/SB 1458 makes numerous changes to the way the Department of Highway Safety and Motor Vehicles (DHSMV, department) administers many of its programs and functions.

The Revenue Impact Conference has reviewed this bill and determined it has a negligible fiscal impact to the General Revenue Fund related to the expanded use of electronic titles. The bill will have a negative revenue impact to the Highway Safety Operating Trust Fund related to a reduction of $596,272 in the vessel registration fees retained by DHSMV; however, the Marine Resources Conservation Trust Fund revenues in the Florida Fish and Wildlife Commission will increase by this same amount. The DHSMV is able to absorb this revenue loss without impacting the budget because the administrative costs of the DHSMV are lower than the current revenues retained of $1.4 million.

The major provisions of this bill include:

- Correcting inconsistencies and references to the International Registration Plan.
- Requiring drivers to yield the left lane to overtaking vehicles.

- Lowering the blood alcohol level threshold at which an ignition interlock device (IID) will prevent a vehicle from starting from 0.05 to 0.025 for persons convicted of DUI and required to install an IID.
- Requiring that holders of commercial learners permits adhere to the same noncriminal traffic infraction provisions as commercial driver licenseholders.
- Allowing the DHSMV to use a new form for buyers and sellers when transferring electronic titles as it relates to motor vehicle casual sales.
- Expanding vehicle and vessel registration identification requirements.
- Allowing the DHSMV to eliminate certificates of repossession as such documents are effectively obsolete.
- Clarifying the DHSMV's rulemaking authority to regulate driver improvement schools.
- Clarifying the DHSMV's criteria for approval of traffic law and substance abuse education courses (TLSAE), and the requirements of course providers.
- Revising the requirements of eligibility for serving on the Medical Advisory Board.
- Allowing county tax collectors to have re-examination authority for vehicle operators based on mental and physical abilities.
- Authorizing the department to implement a pilot program in Miami-Dade and Hillsborough Counties to evaluate private rebuilt motor vehicle inspection services.
- Allowing driver license applicants to use vision examination results of out-of-state vision doctors when renewing their driver license.
- Revising Commercial Driver's License and Commercial Learner's Permits to align with federal rules, and allowing penalties.
- Authorizing the DHSMV to prohibit future financial transactions when an insufficient check fee has not been satisfied with the agency.
- Authorizing driver license suspension for persons under 21 years of age when found driving with blood alcohol level of 0.02 or higher.
- Allowing law enforcement authorities to disqualify Commercial Driver License holders found driving with unlawful blood alcohol levels and refusing to submit to breath, urine or blood test, and issue a 10-day temporary permit while a determination is made.
- Allowing persons with an IID to be granted a medical waiver for employment purposes only (EPO) license.
- Providing that same day DUI convictions be treated as separate offenses.
- Clarifying the reinstatement process for habitual traffic offenders in license restoration.
- Requiring insurance companies to report new or cancelled policies within 10 days.
- Changing requirements for self-insuring motorists.
- Providing identification requirements for vessel registration applications.
- Allowing monies collected from vessel registration funds above administration costs to be deposited in the Marine Resources Conservation Trust Fund.
- Allowing persons with certain alcohol-related driving offenses, having no previous convictions, to be issued a business purposes only driver license without a hearing.
- Reclassifying Florida Highway Patrol captains positions to select exempt from career service.
- Authorizing the Florida Department of Transportation to immediately receive crash reports that are ordinarily confidential and exempt.
- Creating definitions, provisions, and remedies relating to the electronic collection of personal data from driver licenses or identification cards by private entities.

- Prohibiting children under the age of 6 years from riding in the back of pickup trucks or flatbed trucks with posted speed limits greater than forty five miles per hour.
- Authorizing local law enforcement to impound or store unauthorized wreckers used in violation of the provisions of local government wrecker operator system.

This bill substantially amends the following sections of the Florida Statutes: 110.205, 207.002, 316.003, 316.066, 316.083, 316.1923, 316.1937, 316.2015, 316.302, 316.3025, 316.545, 316.646, 317.0016, 318.14, 318.1451, 319.141, 319.225, 319.23, 319.28, 319.323, 320.01, 320.02, 320.03, 320.05, 320.071, 320.0715, 320.18, 320.27, 320.62, 320.77, 320.771, 320.8225, 322.095, 322.125, 322.135, 322.143, 322.18, 322.21, 322.212, 322.22, 322.245, 322.25, 322.2615, 322.2616, 322.64, 322.271, 322.2715, 322.28, 322.331, 322.61, 323.002, 324.0221, 324.031, 324.091, 324.161, 328.01, 328.48, 328.76, 713.585, and 713.78

The bill corrects cross-references in the following sections of Florida Statutes: 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415

The bill repeals section 322.331, Florida Statutes.

II. Present Situation:

Florida Highway Patrol

Captain positions within the Florida Highway Patrol (FHP) are currently classified as Career Service. FHP Captains carry managerial, policy and budgetary responsibility equivalent to State positions which are typically classified as Selected Exempt Service.[1]

International Registration Plan; Definitions

The International Registration Plan (IRP) is a commercial motor vehicle (CMV) registration reciprocity agreement among the United States and provinces of Canada, providing for payment of license fees or license taxes on the basis of fleet miles operated in various jurisdictions. The IRP agreement uses the term "apportionable vehicle" to mean any vehicle, except a recreational vehicle, a vehicle displaying restricted plates, a municipal pickup and delivery vehicle, a bus used in transportation of chartered parties, and a government-owned vehicle, which is used or intended for use in two or more states of the United States or provinces of Canada that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and is:

- A power unit having a gross vehicle weight in excess of 26,000 pounds;
- A power unit having three or more axles, regardless of weight; or
- Used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Sections 207.002(1)(11)(12), 316.545, 320.01, 320.03, 320.071, and 320.0715, F.S., define "apportioned motor vehicle" as any motor vehicle which is required to be registered under the IRP. Throughout ch. 316, F.S., "apportionable" is referenced as "apportionally" incorrectly, and

[1] Part II, Chapter 110, F.S.

since these descriptions are not interchangeable making this correction will simply clarify the inconsistency.

The DHSMV has recommended correcting the definitional inconsistency within the International Registration Plan by deleting unnecessary references and changing "apportioned" to "apportionable" as it relates to motor vehicles.

Traffic Crash Reports

Crash reports that reveal personal information about the parties involved in the crash are confidential and exempt for 60 days after the report is filed. Although they are ordinarily confidential and exempt, the parties involved in the crash, their legal representatives and insurers, law enforcement agencies, and other similar types of agencies may immediately receive these reports.

Lane Usage and Passing

Current Florida law in relation to "driving on right side of roadway" requires vehicles moving at a lesser rate of speed to drive in the right hand lane as soon as it is reasonable to proceed into that lane. Exceptions and exemptions include: when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.[2] Violations of this law are noncriminal offenses. However, enforcement of these provisions has been minimal.

Current law provides that drivers overtaking other drivers on a two-lane road must use the proper signal, and those being overtaken must yield the right of way to the overtaking vehicle. In addition, vehicles being overtaken may not increase speed until the attempted pass is complete or it is reasonably safe to do so.[3]

Ignition Interlock Devices (IID)

A driver is considered under the influence of alcohol when a person's blood alcohol content (BAC) is 0.08 or more grams of alcohol per 100 milliliters of blood; or 0.08 or more grams of alcohol per 210 liters of breath. The department requires placement of a department-approved IID for any person convicted of committing an offense of driving under the influence as specified in s. 322.2715(3), F.S.:

- First offense – under s. 316.193, F.S.,[4] and having an unlawful blood-alcohol level or breath-alcohol level as specified in s. 316.193(4),[5] or if a person is convicted of a violation of s. 316.193, F.S., and was at the time of the offense accompanied in the vehicle by a person younger than 18, the person shall have an IID installed for not less than 6 continuous months for the first offense and for not less than 2 continuous years for a second offense.
- Second offense – an IID shall be installed for a period of not less than 1 continuous year.

[2] Section 316.081(1), (2), and (3), F.S.
[3] Section 316.083, F.S.
[4] http://www.flsenate.gov/Laws/Statutes/2012/316.193 Driving Under the Influence
[5] Id., (See penalties)

- Third offense – occurs within 10 years after a prior conviction for a violation of s. 316.193, F.S., an IID shall be installed for a period of not less than 2 continuous years.
- Fourth or subsequent offense – an IID shall be installed for a period of not less than 5 years.

Section 316.1937, F.S., provides the device be certified by the DHSMV and installed so that the vehicle will not start if the operator's alcohol level is in excess of 0.05 percent BAC (equates to 3-4 12 oz. beers an hour for an average weight male) or what is specified by the court. Consideration may be given to persons having documented medical conditions that would prohibit the IID from functioning normally. The IID shall be placed on all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person.

Enforcement of Federal Regulations

Texting and Hand-held Mobile Phones

Federal law recently imposed a prohibition against drivers of commercial motor vehicles engaging in texting while driving and provided that a motor carrier may not allow or require its drivers to engage in texting while driving.[6] In addition, the federal law prohibits a driver of a commercial motor vehicle (CMV) from using a hand-held mobile telephone while driving and prohibits a motor carrier from allowing or requiring its drivers to use a hand-held mobile phone while driving a CMV.[7] These provisions are contained in 49 C.F.R. § 383, which is not currently referenced in Florida law incorporating federal provisions applicable to CMVs engaged in interstate or intrastate commerce.

Applicable Versions of Federal Law

Federal law requires each state to "review its laws and regulations to achieve compatibility with the Federal Motor Carrier Safety Regulations (FMCSA)."[8] Federal guidelines require a state to:

> "…adopt and enforce in a consistent manner the requirements referenced in the above guidelines in order for the FMCSA to accept the State's determination that it has compatible safety requirements affecting interstate motor carrier operations. Generally, the States would have up to *3 years* from the effective date of the new Federal requirement to adopt and enforce compatible requirements. . ."

Section 316.302, F.S., among other sections, applies specified federal regulations to all owners or drivers of CMVs engaged in intrastate commerce as such rules and regulations existed on October 1, 2011. The state will be out of compliance with federal law on October 1, 2014, unless the date is changed.

[6] 49 C.F.R. § 383.80 (2011)
[7] 49 C.F.R. § 383.82 (2011)
[8] 49 C.F.R. part 355, Appendix A, Guidelines for the Regulatory Review: http://www.law.cornell.edu/cfr/text/49/355/appendix_A

Liquefied Petroleum Gas Motor Vehicles/Cargo Tanks

Current law provides that the rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under ch. 527. DHSMV commercial motor vehicle enforcement officers have no express authority to inspect a commercial motor vehicle transporting liquefied petroleum gas to ensure safety of the traveling public on the roadways.

Riders on Vehicle Exteriors

Section 316.2015, F.S., generally prohibits persons from riding on the outside of a vehicle. Exemptions are provided for firefighters, waste collection workers, and for persons riding within truck bodies in a space intended for merchandise. The section specifically prohibits persons under the age of 18 from riding in the open body of a pickup or flatbed truck when the vehicle is operated on a limited access facility.

Expedited service; applications; fees

Section 319.323, F.S., requires that the department provide, through its agents for use by the public, expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession. A fee of $10 is charged for the service in addition to the fees in ss.319.32, F.S., and $3.50 of this fee shall be retained by the processing agency. The department shall issue all titles applied for within 5 working days after receipt of application, except for a duplicate title application, per s. 319.23(4) in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Noncriminal traffic infractions; exception; procedures

Section 318.14, F.S., requires that any person holding a commercial driver license and cited while driving a noncommercial motor vehicle for an infraction under this section, other than a violation of s. 316.183(2), F.S., s. 316.187, F.S., or s. 316.189, F.S., when the driver exceeds the posted speed limit by 30 miles per hour or more, and certain other sections of statute, he or she can elect to attend a basic driver improvement course. For the driver that chooses this option, adjudication must be withheld and no points will be assessed to his or her driver license.

Driver Improvement Schools

Section 318.1451, F.S., requires the department to approve all courses of all driver improvement schools related to ss. 318.14(9), 322.0261, and 322.291, F.S. The chief judge of the applicable judicial circuit may establish requirements of location within the judicial circuit. Individuals are allowed to engage in the business of operating a driver improvement school offering department approved and regulated courses using technology as the delivery method for driver improvement schools.

The department considers course content promoting safety, crash avoidance techniques, and other criteria to improve driver performance. Initial approval of courses are based on the department's review of all course materials, course presentation to the department by the provider and the provider's plan for effective oversight by those who deliver the course to the

State of Florida. New courses are provisionally approved and limited to the Judicial Circuit originally approved for pilot testing, until fully approved by the department, and delivered statewide. Also, in approving criteria and use of technology as a teaching form, the department considers only those courses submitted by a person, business, or entity previously approved for statewide delivery. Further, the department does not accept proof of attendance for persons attending those schools that do not teach approved courses. Those persons can then choose to take the course at another school.

A $2.50 assessment fee is collected, along with the regular course fee by the school, from each person who elects to attend a course. The fee is remitted to the department and deposited in the Highway Safety Operating Trust Fund. The assessment fee is used to administer this program and fund the general operations of the department. Administrative duties are the responsibility of the providers. Providers must maintain all records related to the conduct of their approved courses for 5 years, and must allow the department to inspect course records as necessary. Course records may be maintained in an electronic format. Pursuant to s. 119.07(1), F.S., the department makes the records available to the public upon request.

The department or court may prepare a traffic school reference guide to list the benefits of attending a driver improvement school, which would contain names of fully approved course providers along with a telephone number.

Advanced Driver Improvement

A Florida hardship license can be obtained by enrolling in an Advanced Driver Improvement (ADI) course. When a motorist driver's license has been suspended or revoked for points or because of habitual traffic offenses (12 points on driving record in the past year) or by court order, that motorist may enroll in the ADI course to obtain a Florida hardship license.[9]

Basic Driver Improvement

The Basic Driver Improvement (BDI)[10] course is for individuals wishing to retain their driver license when found at fault in an accident and:

- Someone was transported to the hospital as a result of their offense;
- They had two crashes in a two-year period which resulted in property damage greater than $500; or they were ticketed for:
  - Passing a stopped school bus;
  - Highway racing;
  - Reckless driving; or
  - Running a red light.

Motorists may choose to attend the BDI course in lieu of driving record points.

[9] http://www.flhsmv.gov/ddl/adicphone.html
[10] Id.

Traffic Law and Substance Abuse Education course

Persons having never held a regular driver license in any state, country, or jurisdiction must complete a Traffic Law and Substance Abuse Education course (TLSAE)[11] before applying for a temporary driving permit (restricted driver license) in the state of Florida. The driver education courses offered by some county school boards may substitute for this requirement. Individuals under 21 years old who receive a notice of suspension for driving with a blood alcohol level of .02 to .05 must complete a TLSAE course in order to reinstate his or her driver license on a hardship basis.

In recent years, the agency has experienced repeated complaints related to driver improvement courses. These complaints prompted the Legislative Joint Administrative Procedures Committee[12] to suggest strengthening the agency's authority by clarifying the implementation of the driver improvement courses.

Transfer and reassignment forms; odometer disclosure statements

Under s. 319.225, F.S., every certificate of title must include this statement: "Federal and state law require the completion of the odometer statement. Failure to complete or providing false information may result in fines, imprisonment, or both." This statement must be on the reverse side of all certificates of title issued by the department. Also on the reserve side of the form for transfer of title by the titleholder of record, there must be an odometer disclosure statement, required by 49 C.F.R. s. 580.5. The law has not addressed electronic title transfers in casual or private sales.

The department requested a variance from The National Highway Transportation Safety Administration (NHTSA) for acquiring and maintaining odometer reading records. The NHTSA has approved the department's request to use an alternate form to record odometer readings. The certificate of title form has been revised numerous times to accommodate space requirements, and most recently revised to eliminate a previously required duplicate copy already being entered into the Florida Real-Time Vehicle Information System (FRVIS).[13]

Application for, and issuance of, certificate of title

Under s. 319.23, F.S., a certificate of title must be made upon a form prescribed by the department and filed with the department along with the fee. However, if there has been a certificate of title previously issued for a motor vehicle or mobile home, that certificate of title must also accompany the form, duly assigned, or reassigned. Also, if either the motor vehicle or the mobile home for which the application for a certificate of title is made is a new motor vehicle or new mobile home for which one or more manufacturers' statements of origin are required by the provisions of s. 319.21, F.S., the application for a certificate of the title must be accompanied by all such manufacturers' statements of origin.

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[11] Id.

[12] JAPC conducts continuous oversight of executive branch actions implementing legislatively delegated powers, ensuring that each action has an adequate statutory basis, that all applicable procedures are followed, and that no illegal rules are imposed on the people of Florida.

[13] On-line computer system providing access to the DHSMV's motor vehicle database.

The title certificate or application for title must contain the applicant's full name, date of birth, sex, personal or business identification, which may include a driver's license number, Florida identification card number, or federal employer identification number, and the license plate number or, an affidavit certifying that the motor vehicle to be titled will not be operated upon the public highways of this state.

Transfer of ownership by operation of law

In case of repossession of a motor vehicle or mobile home , s. 319.28, (2)(b), F.S., requires an affidavit by the party to whom possession has passed stating that the vehicle or mobile home was repossessed upon default. Such affidavit is considered satisfactory proof of ownership and right of possession. At least 5 days prior to selling the repossessed vehicle, any subsequent lienholder named in the last issued certificate of title must be sent notice of the repossession by certified mail, on a form prescribed by the department. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days from the date on which the notice was mailed, the certificate of title or the certificate of repossession is issued showing no liens. If the former owner or any subsequent lienholder files a written protest within the 15-day period, the department may not issue the certificate of title or certificate of repossession for 10 days. If no injunction has been served on the department commanding it not to deliver the certificate of title or certificate of repossession, the department delivers the certificate of title or repossession to the applicant. Any lienholder who has repossessed a vehicle in compliance with these provisions must apply to a tax collector's office in this state or to the department for a certificate of repossession or to the department for a certificate of title under s. 319.323, F.S. Proof of the required notice to subsequent lienholders must be submitted together with regular title fees. A lienholder to whom a certificate of repossession has been issued may assign the certificate of title to the subsequent owner. Any person found guilty of violating any requirements of this paragraph shall be guilty of a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Certificates of Repossession

Section 319.323, F.S., The department offers separate title offices used by private citizens and licensed motor vehicle dealers to receive expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession. A fee of $10 is charged for the expedited service in addition to the fees imposed by s. 319.32, F.S.

When a lienholder repossesses a motor vehicle, currently he or she has the option of requesting a certificate of title or a certificate of repossession for the vehicle. Since the title must be in the lienholder's possession to resell the vehicle it is no longer necessary to require a certificate of repossession, effectively making the certificate of repossession obsolete.

Records of the Department

Under s. 320.05, F.S., the department assigns a distinctive number upon receipt of a registration for a motor vehicle, vessel, or mobile home application. Electronic registration records are open to inspection of the public during business hours. However, the information is only provided if

the person requesting it furnishes positive proof of identification. DHSMV or the county tax collector that provides the records is responsible for recording the name and address of the person other than a representative of a law enforcement agency who requests and receives information from a motor vehicle or vessel registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each inquiry must be maintained for a period of 6 months from the date the information was released to the inquirer. There is no prohibition against any financial institution, insurance company, motor vehicle dealer, licensee under ch. 493, F.S., attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees have been paid.

The department is authorized, upon application and proper fee payment, to prepare and furnish lists containing motor vehicle, vessel, mobile home, driver license, or crash record information, to allow for record searches, and to make copies of the records and attestations.

Withholding Registration

Sections 320.18, 320.27, 320.62, 320.77, 320.771, and 320.8225, F.S., allow the department to withhold the registration of any motor vehicle or mobile home when the owner has failed to register for any previous period for which it appears registration should have been made until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the owner pays for any vehicle or vessel registration, driver license, identification card or fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in ch. 207, F.S., by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Florida Department of Transportation (FDOT) or the DHSMV. The FDOT and DHSMV may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in ch. 207, F.S., the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Motor Vehicle Dealers; application and fee

Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period is presumed to be engaged in such business. No person may engage in business as a motor vehicle dealer in this state without first obtaining a license.[14] With the exception of transactions with motor vehicle auctions, no person other than a licensed motor vehicle dealer may advertise for sale any motor vehicle belonging to another party unless as a direct result of a bona fide legal proceeding, court order, settlement of an estate, or by operation of law. Upon making initial application, the applicant shall pay to the department a fee of $300 in addition to any other fees now required by law. Upon making a subsequent renewal application, the applicant shall pay to the department a fee of $75 in addition to any other fees now required by law. Each license issued to a franchise

[14] http://www.flsenate.gov/Laws/Statutes/2012/320.27

motor vehicle dealer expires annually on December 31. Each license issued to an independent or wholesale dealer or auction expires annually on April 30. Not less than 60 days prior to the license expiration date, the department delivers to each licensee the necessary renewal forms.

Medical Advisory Board

Section 322.125, F.S., provides that the Medical Advisory Board (MAB) be composed of not fewer than 12 or more than 25 members, at least one of whom must be 60 years of age or older and all but one of whose medical and other specialties must relate to driving abilities, which number must include a doctor of medicine who is employed by the DHSMV in Tallahassee, who shall serve as administrative officer for the board. The executive director of the DHSMV must recommend persons to serve as board members. Every member but two must be a doctor of medicine licensed to practice medicine in this or any other state and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic Association. One member must be an optometrist licensed to practice optometry in this state and must be a member in good standing of the Florida Optometric Association. One member must be a chiropractic physician licensed to practice chiropractic medicine in this state. Members must be approved by the Cabinet and serve 4-year staggered terms. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles.

Driver license agents

Under s. 322.135, F.S., the department authorizes tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution[15] to serve as its agent for the provision of specified driver license services. A tax collector may refuse to issue or renew a driver license if he or she has reason to believe that the licensee or prospective licensee is physically or mentally unqualified to operate a motor vehicle. The tax collector may direct such licensee to the department for examination or reexamination under s. 322.221, F.S.[16]

Driver licenses and renewals

The department may issue an original driver's license only after the applicant successfully passes the required examinations and presents the application to the department. Also, the department may waive the driver license exam requirement if the applicant is otherwise qualified and surrenders a valid license issued by another state, a province of Canada, or the U.S. Armed Forces which is of an equal or lesser classification. A licensee who is otherwise eligible for renewal and who is at least 80 years of age: must submit to a vision test administered by a physician licensed under chs. 458 and 459, an optometrist licensed under ch. 463, or a licensed physician at a federally established veterans' hospital; must send results of the test to the department on a form obtained from the department and signed by the health care practitioner; and must meet vision standards that are equivalent to the standards for passing the departmental vision test. The physician or optometrist may submit the results of a vision test by a department-approved electronic means.

[15] http://www.flsenate.gov/Laws/Constitution#A8 , County Officers
[16] http://www.flsenate.gov/Laws/Statutes/2012/322.221 (See reexamination law)

Use of Driver License Information

Florida driver licenses and identification cards hold digital data containing almost all of the personal information displayed on the license or ID card. Data contained digitally on the license or card includes the following information:

- Name,
- Address,
- Date of birth,
- Height,
- Weight,
- Gender,
- Eye color,
- Lens restrictions,
- Organ donor status, and
- License or ID card number

The digital data does not reflect other information such as driving habits, traffic citations, or next of kin.

An increasing number of businesses have acquired the technology to collect or confirm this data by "swiping" the license or ID card through a magnetic stripe or bar code reader. Typically, the swipe of the card is used for confirmation of age restriction compliance (*e.g.*, to prevent the sale of alcoholic beverages to minors), to confirm identification when paying by check, marketing purposes, or to track the sale of controlled substances. The only data contained on the magnetic stripe that is readable is that which is on the face of a driver license, or the name, address, date of birth, and driver license identification number. Florida law does not control how such data may be stored or used.

Unauthorized possession of a Commercial Driver License

Section 322.212, F.S., allows that in addition to any other penalties provided in s. 322.212, F.S., any person providing false information when applying for a commercial driver license will be disqualified from operating a commercial motor vehicle for a period of 60 days.

Suspension of license upon notification of a court

Under chs. 316 and 320, F.S., the department is authorized to suspend the driver license of persons who have failed to:

- Comply with directives ordered by traffic court;
- Pay child support in non-IV-D cases (child support is maintained privately, rather than through the assistance of the Office of Child Support Enforcement) as provided in ch. 61; or
- Pay any financial obligation in any other criminal case.

If the person fails to comply with the directives of the court within the 30-day period, or, in non-IV-D cases, fails to comply within the period specified in that statute, the depository or the clerk of the court notifies the department of such failure within 10 days.

Currently, notification to the department is done electronically for these types of suspensions. However, not all clerks of court choose this form of contact.

Court reporting convictions; temporary reinstatement of driving privileges

Under s. 322.25(7), F.S., a driver convicted of DUI, whose license and driving privilege have been revoked, may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers and is otherwise eligible for reinstatement of the driving privilege. The period of time for which a temporary permit issued in accordance with this subsection is valid shall be deemed to be part of the period of revocation imposed by the court.

According to DHSMV, no court has ordered a temporary reinstatement under these provisions since 1982.

Suspension of Driver License; right to review

Under s. 322.2615, F.S., when the department determines that a person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department must suspend the person's driver's license. Section 322.2615(1)(b), F.S., allows the driver to request a formal or informal review of the suspension by the department within 10 days after the date of issuance of the notice of suspension. If the person whose license was suspended requests a formal review, the department must schedule a hearing within 30 days after the request is received by the department and must notify the person of the date, time, and place of the hearing. The formal review hearing is held before a hearing officer employed by the department, and the hearing officer is authorized to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas for the officers and witnesses identified in documents, regulate the course and conduct of the hearing, question witnesses, and make a ruling on the suspension. The party requesting the presence of a witness is responsible for the payment to the witness and for notifying in writing the state attorney's office in the appropriate circuit of the issuance of the subpoena.

According to DHSMV, telephonic appearances thereby at such hearings are not addressed by statute and may become problematic in appellate litigation, increasing legal costs for the department and creating ongoing uncertainty for hearing officers and the courts. Invalidation for failure of a witness to appear is frequently litigated.

Driving Privileges; modification of revocation, cancellation, or suspension order

When a person's driver license is suspended, cancelled, or revoked, unless he or she is a habitual traffic offender under s. 322.27(5), F.S.,[17] or a person ineligible to be granted driving privilege on a limited restricted basis, the department immediately notifies the licensee of the status of his or her driver license, and if he or she so chooses, can request a hearing pursuant ch. 120, F.S., within 30 days, in the county where he or she resides.

Any person whose license has been permanently revoked due to a conviction for DUI manslaughter in violation of s. 316.193, F.S.,[18] and has no prior convictions for DUI-related offenses upon expiration of 5 years after the date of revocation or expiration of 5 years after termination of any term of incarceration under ss. 316.193 or former 316.1931, F.S., whichever date is later, may petition the department for reinstatement or his or her driving privilege.

Multiple offenses with one conviction

In a prosecution for a violation of DUI, (s. 316.193, F.S., or former s. 316.1931, F.S.), the following provisions apply:

- Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted, effective on the date of conviction, and shall prescribe the period of such revocation in accordance with the following provisions:
  - First conviction for a violation, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.
  - Second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for a violation of the provisions, the driver's license or driving privilege shall be revoked for not less than 5 years.
  - Third conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for the violation of the provisions, the driver's license or driving privilege shall be revoked for not less than 10 years.

Currently, s. 322.28(2)(a), F.S., does not address situations where a driver commits 2 DUI offenses on the same day or second and third convictions occurring outside of a 5 or 10 year period, after the date of the prior conviction. The department states that it has been made aware of situations in which a driver receives two DUI citations for separate events but is convicted of both offenses at one court proceeding. Also, statutory reference language in that same section for first time DUI convictions is no longer applicable.

Disqualifications operating commercial motor vehicle

Under s. 322.61, F.S., a holder of a commercial driver license (CDL) who is convicted of multiple, specified, serious traffic violations in a CMV in separate incidents within a 3-year

[17] http://www.flsenate.gov/Laws/Statutes/2012/322.27
[18] http://www.flsenate.gov/Laws/Statutes/2012/316.193

period, may be disqualified from operating a CMV for periods ranging from 60 days to one year, depending on the number and type of violations.

Commercial *learner* permitholders have not been subject to the same penalties as commercial driver license holders even though both operate on the same roadways. The department has recommended aligning the penalties to fully conform to the required federal criteria for CMVs.

Wrecker Operators

Section 323.002, F.S., allows counties and municipalities to establish wrecker operator systems and provides several definitions relating to wrecker operators:

- Authorized wrecker operator means a wrecker operator who has been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.
- Unauthorized wrecker operator means a wrecker operator who has not been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.
- A wrecker operator system means a system used in the actual towing or removal of wrecked, disabled, or abandoned vehicles. A wrecker operating system uses a method for apportioning towing assignments among its eligible wrecker operators through the creation of geographic zones and/or a rotation schedule. A similar wrecker operator system is employed by the Division of Florida Highway Patrol within DHSMV. The FHP wrecker rotation system uses qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles. In the FHP system, all reputable wrecker operators are eligible for use in the system as long as the equipment used and the drivers meet safety qualifications and mechanical standard rules

Counties may establish maximum rates which may be charged on the towing of vehicles or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle. However, if a municipality chooses to enact an ordinance establishing the maximum fees for the towing or immobilization of vehicles, the county's ordinance may not apply to the municipality.[19]

Further, it is unlawful for unauthorized wrecker operators to monitor police radio communications between patrol field units and the dispatcher for information to determine the location of wrecked or disabled vehicles or drive by an accident or disabled vehicle and initiate or offer of his or her services, unless the vehicle owner signals that operator to stop and provide towing services. The unauthorized operator then has to disclose to the vehicle owner that he or she is not an authorized designated wrecker operator and must provide in writing the towing and

[19] http://www.flsenate.gov/Laws/Statutes/2012/125.0103

storage charges before the vehicle is "on hook." Persons who violate this provision are guilty of a misdemeanor of the second degree, punishable as provided in ss.775.082 or 775.083, F.S.[20]

Insurers reports to DHSMV; suspension of driver license and vehicle registration;

Section 324.0221, requires each insurer that has issued a policy providing personal injury protection (PIP) coverage or property damage liability coverage shall report the renewal, cancellation, or nonrenewal to the department within 45 days after the effective date of each renewal, cancellation, or nonrenewal. Upon the issuance of a policy providing PIP coverage or property damage liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer must report the issuance of the new policy to the department within 30 days. The department may adopt rules regarding the form and documentation required. Failure by an insurer to file proper reports with the department constitutes a violation of the Florida Insurance Code.[21] These records may be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

According to the department, it is necessary to change the timeline for customers and insurers to report proof of insurance to reduce a window of time allowing for vehicles to be on the roadways uninsured.

Proving financial responsibility

Section 324.031, F.S., provides that an owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) or 324.151, F.S., when such policy is issued by an insurance carrier which is a member of the Florida Insurance Guaranty Association. The operator or owner of any other vehicle may also prove his or her financial responsibility by:

- Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8)[22] and 324.151, F.S.;[23]
- Posting with the department a satisfactory bond of a surety company authorized to do business in this state, conditioned for payment of the amount specified in s. 324.021(7), F.S.;
- Furnishing a certificate of the department showing a deposit of cash or securities in accordance with s. 324.161, F.S.;[24] or
- Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171, F.S.[25]

[20] http://www.flsenate.gov/Laws/Statutes/2012/775.082 or http://www.flsenate.gov/Laws/Statutes/2012/775.083 (see penalties)
[21] http://law.onecle.com/florida/insurance/chapter624.html (See definitions and complete statute, including US Code.)
[22] http://flsenate.gov/Laws/Statutes/2012/324.021
[23] http://flsenate.gov/Laws/Statutes/2012/324.151
[24] http://flsenate.gov/Laws/Statutes/2012/324.161
[25] http://flsenate.gov/Laws/Statutes/2012/324.171

Any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in subsection (2) or subsection (3) must post a bond or deposit equal to the number of vehicles owned times $30,000, to a maximum of $120,000; in addition, any such person, other than a natural person, must maintain insurance providing coverage in excess of limits of $10,000/20,000/10,000 or $30,000 combined single limits, and such excess insurance may provide minimum limits of $125,000/250,000/50,000 or $300,000 combined single limits. These increased limits may not affect the requirements for proving financial responsibility under s. 324.032(1), F.S.[26]

Notice to department; notice to insurer

Section 324.091, F.S., requires each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance, motor vehicle liability insurance, or a surety bond within 14 days after the date of the mailing of notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that an automobile liability policy, motor vehicle liability policy, or surety bond was in effect at the time of the crash or conviction case, the department shall forward by United States mail, postage prepaid, to the insurer or surety insurer a copy of such information and shall assume that the policy or bond was in effect, unless the insurer or surety insurer notifies the department otherwise within 20 days after the mailing of the notice to the insurer or surety insurer. Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom the mailing was made and by specifying the time, place, and manner of mailing. The department has recommended requiring verification of insurance proof electronically rather than via mail.

Proof of financial responsibility; surety bond or deposit

Section 324.161, F.S., authorizes that the certificate of the department of a deposit may be obtained by depositing with it $30,000 cash or securities such as may be legally purchased by savings banks or for trust funds, of a market value of $30,000 and which deposit shall be held by the department to satisfy any execution on a judgment issued against such person making the deposit for damages because of bodily injury to or death of any person or for damages because of injury to or destruction of property resulting from the use or operation of any motor vehicle occurring after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages.

Application for certificate of title

Section 328.01, F.S., requires that the owner of a vessel which is required to be titled apply to the county tax collector for a certificate of title. The application shall include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number, except that an application for a certificate of title for a homemade vessel shall state all the foregoing information except the hull identification number. The application shall be signed by the owner and shall be accompanied by personal or business identification, which may include, but need not be limited to, a driver's license number,

[26] http://flsenate.gov/Laws/Statutes/2012/324.032

Florida identification card number, or federal employer identification number, and the prescribed fee. The department has recommended such applications require the inclusion of an official identification credential.

Vessel registration, application, certificate, number, decal, duplicate certificate

Section 328.48, F.S., provides that the owner of each vessel required to pay a registration fee and secure an identification number must file an application with the county tax collector. The application must provide the owner's name and address, residency status, personal or business identification, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number, and a complete description of the vessel, and must be accompanied by payment of the applicable fee required in s.328.72, F.S. Registration is not required for any vessel that is not used on the waters of this state. The department has recommended such applications require the inclusion of an official identification credential.

Marine Resources Conservation Trust Fund

Section 328.76(1), F.S., directs a specified, $1.4 million transfer of revenue received from vessel registration fees to the Highway Safety Operating Trust Fund to cover the department's administrative expenses of vessel registration. The remainder is deposited in the Marine Resources Conservation Trust Fund for: recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery.

According to the department, due to reorganization and efficiencies, the department's administrative costs for the Vessel Registration Program have been significantly reduced in recent years. The department recommends revisions effecting a transfer of funds equal to its administrative expenses.

Dismantling and Salvage of Vehicles or Mobile Homes

When a motor vehicle or mobile home is to be dismantled, destroyed, or altered so significantly as to no longer be the motor vehicle or mobile home described in the certificate of title, subsection (2) of s. 319.30, F.S., requires the owner(s) as listed on the title to surrender the title to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) for cancellation. Violation of the requirement constitutes a second-degree misdemeanor.[27]

All vehicles being sold, transported, or delivered to a salvage motor vehicle dealer[28] must be accompanied by a:

- Properly endorsed certificate of title,[29]

[27] As punishable by s. 775.082, F.S., or s. 775.083, F.S., up to 60 days in jail and/or up to a $500 fine.
[28] By reference, s. 319.30, F.S., defines a salvage motor vehicle dealer as "any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts."

- Valid salvage certificate of title issued by the DHSMV in the name of the seller or properly endorsed to the seller, or
- Valid certificate of destruction issued in the name of the seller or properly endorsed to the seller.

Certificate of Title

In Florida, most vehicles are required to be titled;[30] the exceptions are mopeds, motorized bicycles, and trailers weighing less than 2,000 pounds. A certificate of title is the record that is evidence of ownership of a motor vehicle issued by DHSMV.[31]

Salvage Certificate of Title and Certificate of Destruction

When an uninsured vehicle or mobile home is wrecked or damaged and the cost to repair it is 80 percent or more of its value it is considered a total loss. When an insurance company has paid to replace a wrecked or stolen vehicle or mobile home, it is declared a total loss. Whether insured or not, a vehicle or mobile home considered a total loss is declared "salvage." Within 72 hours, the owner or insurance company must forward the certificate of title to DHSMV for processing, applying for either a Certificate of Title or Certificate of Destruction.[32] The owner or insurance company may not dispose of a vehicle or mobile home declared a total loss before obtaining a salvage certificate of title or certificate of destruction.[33]

When a towing company tows and stores a vehicle, the company may apply for a certificate of destruction under certain conditions.[34] Under s. 713.78(2), F.S., when a wrecker operator tows and stores a vehicle or vessel, the wrecker operator must send notice to the registered owner, the insurance company insuring the vehicle, and all lienholders, as disclosed by state agency records.[35] Vehicles or vessels remaining unclaimed may be sold by public auction by the wrecker operator for towing and storage charges.[36] If the vehicle to be sold is to be dismantled, destroyed, or altered significantly, a wrecker operator must apply to the county tax collector for a certificate of destruction.[37] The application for a certificate of destruction must include an affidavit from the applicant that it has complied with all applicable requirements of s. 713.78, F.S., and, if the vehicle or vessel is not registered in Florida, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen. The application must also be accompanied by any such documentation as may be required by DHSMV.

A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, may be reassigned no more than twice before dismantling or destruction

[29] A certificate of title is properly endorsed when the identified owner(s), i.e., the seller, has completed the form printed on the back of the certificate containing the name and address of the purchaser, odometer information, selling price, and the date sold in the "Transfer of Title by Seller" section. The seller must also sign and hand print their name.
[30] Section 320.02, F.S., generally.
[31] Sections 319.001(1) and 319.30(1)(c), F.S.
[32] An insurance company must forward the certificate of title within 72 hours from the time it obtains it from the owner.
[33] Section 319.30(3)(b), F.S.
[34] Section 713.78(11), F.S.
[35] Section 713.78(4)(a), F.S.
[36] Section 713.78(6), F.S.
[37] Section 713.78(11), F.S.

of the vehicle shall be required. The certificate of destruction must accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. Violation of these provisions, including providing a false or fictitious name, address, or statement on an application or affidavit, is a third degree felony punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Derelict Motor Vehicle Certificates

Under s. 319.30, F.S., a derelict motor vehicle is any motor vehicle or mobile home, with or without all its parts, which is:

- Valued under $1,000;
- At least 10 years old; and
- Is in such condition that its primary value is for dismantling for parts or conversion to scrap metal.

When a derelict motor vehicle is sold, transported, or delivered to a salvage motor vehicle dealer, the purchaser must record the date, and the name, address, and personal identification card number of the person selling the vehicle, accompanied by:[38]

- The properly endorsed certificate of title;
- A valid salvage certificate of title issued by the DHSMV in the name of the seller or properly endorsed to the seller; or
- A valid certificate of destruction issued in the name of the seller or properly endorsed to the seller.

If none of these documents are available, a derelict motor vehicle certificate must be completed by the owner, the owner's authorized transporter, and the licensed salvage motor vehicle dealer, at the time of sale, transport, and delivery to the dealer or recycler. The dealer or recycler must notify DHSMV within 24 hours of receiving the derelict vehicle or mobile home and the derelict vehicle or mobile home must be secured for three business days (excluding weekends and holidays) prior to its destruction or dismantling. Under s. 319.30(2)(c), F.S., it is a third degree felony[39] for anyone to willfully and deliberately:

- Sell, transport, deliver, purchase, or receive a derelict motor vehicle without obtaining a:
  - Certificate of title;
  - Salvage certificate of title;
  - Certificate of destruction; or
  - Derelict motor vehicle certificate.
- Enter false or fictitious information on a derelict motor vehicle certificate;
- Not complete the derelict motor vehicle certificate or not notify DHSMV; or
- Destroy or dismantle a derelict motor vehicle without waiting the required three full days.

[38] Section 319.30(2)(c), F.S.
[39] As punishable by ss. 775.082, 775.083, or 775.084, F.S., up to 5 years in prison and/or a $5,000 fine.

When a derelict motor vehicle is sold, transported, or delivered to a secondary metals recycler,[40] the purchaser must record the date, and the name, address, and personal identification card number of the person selling the vehicle, accompanied by:[41]

- The properly endorsed certificate of title;
- A valid certificate of destruction issued in the name of the seller or properly endorsed to the seller; or
- A valid derelict motor vehicle certificate.

If none of these documents are available, a derelict motor vehicle certificate must be completed by the owner, the owner's authorized transporter, and the licensed salvage motor vehicle dealer, at the time of sale, transport, and delivery to the dealer or recycler. The dealer or recycler must notify DHSMV within 24 hours of receiving the derelict vehicle or mobile home and the derelict vehicle or mobile home must be secured for three business days (excluding weekends and holidays) prior to its destruction or dismantling. Under s. 319.30(7)(b), F.S., it is a third degree felony[42] for anyone willfully and deliberately:

- Selling, transporting, delivering, purchasing, or receiving a derelict motor vehicle without obtaining:
  - A certificate of title;
  - A salvage certificate of title;
  - A certificate of destruction; or
  - A derelict motor vehicle certificate.
- Entering false or fictitious information on a derelict motor vehicle certificate;
- Not completing the derelict motor vehicle certificate or not notifying DHSMV; or
- Destroying a derelict motor vehicle without waiting the required three full days.

Subsection (6) of s. 319.30, F.S., also requires salvage motor vehicle dealers to record the name, address, and personal identification card number of any person delivering motor vehicles, derelicts and major parts. Violation of the subsection is a first-degree misdemeanor.[43]

Both salvage motor vehicle dealers and secondary metals recyclers are required to return all certificates of title to DHSMV each month. All certificates of destruction, affidavits, and all other required information must be retained by the dealer or recycler for 3 years.

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[40] By reference, s. 319.30, F.S., defines a secondary metals recycler as any person who:

"(a) Is engaged, from a fixed location or otherwise, in the business of gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or

(b) Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof

[41] Section 319.30(7)(a)4., F.S.

[42] Supra note 13.

[43] As punishable by s. 775.082 or s. 775.083, F.S., up to 1 year in jail and/or a $1,000 fine.

III. Effect of Proposed Changes:

Section 1 amends s.**110.205, F.S.,** to reclassify captain positions within the Florida Highway Patrol (FHP) and place them in the Selected Exempt Service. According to DHSMV, the proposed change will ensure FHP Captains are measured by a standard of accountability which is equivalent to their level of responsibility.

Sections 2, 23, 25, 27 and 28 amend ss. 207.002(1), (11) and (12), 316.545, 320.01, 320.03, 320.071, and 320.0715, F.S., deleting the definitions of "apportioned motor vehicle" and "apportionable vehicle" in s. 207.002, F.S. The definitions are no longer applicable to the purpose of ch. 207, F.S., nor are they consistent with the definitions referenced in s. 320, F.S.

Sections 3 and 4 provide intent and amend s. 316.003, F.S., which defines terms used in the "Florida Uniform Traffic Control Law," by defining the term "road rage" to mean:

> The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, or pedestrian.

Section 5 amends s. 316.066, F.S., to add FDOT to the list of entities that may immediately receive a crash report that is ordinarily confidential and exempt for 60 days after the date the report is filed.

Section 6 amends s. 316.083, F.S., provides that on roads, streets, or highways having two or more lanes that allow movement in the same direction, a driver may not continue to operate a motor vehicle in the furthermost left-hand lane if the driver knows, or reasonably should know, that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed.

The bill provides that this prohibition does not apply to a driver operating a motor vehicle in the furthermost left-hand lane if:

- The driver is driving the legal speed limit and is not impeding the flow of traffic in the furthermost left-hand lane;
- The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower moving vehicle so that the driver may move to the adjacent right-hand lane;
- Conditions make the flow of traffic substantially the same in all lanes or preclude the driver from moving to the adjacent right-hand lane;
- The driver's movement to the adjacent right-hand lane could endanger the driver or other drivers;
- The driver is directed by a law enforcement officer, road sign, or road crew to remain in the furthermost left-hand lane;
- The driver is preparing to make a left turn; or
- The driver is traveling at a speed not less than 10 miles per hour under the posted speed limit.

A driver simultaneously violating these provisions and the provisions of s. 316.183, F.S. (relating to Unlawful Speed) shall receive a uniform noncriminal traffic citation for the unlawful speed violation.

Section 7 reenacts s. 316.1923, F.S.

Section 8 creates an unnumbered section of law. It requires the department to provide information on yielding the left lane in all of its driver license educational materials that are newly printed on or after October 1, 2013.

Section 9 amends s. 316.1937, F.S., to reduce the "fail point" of an IID, i.e., the threshold of the blood alcohol level at which the vehicle is prevented from starting. The bill lowers the BAC from 0.05 to 0.025.

Section 10 amends. s. 316.2015, F.S., to prohibit persons under the age of 6 years from riding in the back of pickup trucks or on flatbed trucks on any state, county, or municipality streets or highways with posted speed limits greater than forty five miles per hour unless that minor is restrained and secured to prevent the minor from being thrown, falling, or jumping from the truck.

Sections 11 and 12 amend ss. 316.302 and 316.3025, F.S., revising provisions relating to commercial motor vehicles (CMV) to incorporate required federal law.

- The bill incorporates 49 C.F.R. § 383 into Florida law to incorporate provisions for violations of the texting and hand-held mobile telephone provisions of federal law, thereby avoiding a potential federal funds penalty for failure of the state to comply with federal law.
- The bill changes the date on which federal rules and regulations are incorporated from October 1, 2011 to December 31, 2012.
- The bill incorporates subpart F of 49 C.F.R. part 107 to authorize the DHSMV enforcement officers to conduct inspections on cargo tanks and cargo tank motor vehicles.
- The bill revises CMV regulations to conform to both intra-state and inter-state physical qualifications for drivers.

Section 14 amends s. 316.646, F.S., to allow drivers to provide proof of required insurance by electronic means on an electronic device such as the display of a smartphone. The bill provides that the act of presenting an electronic device does not constitute consent of access to other information on the device and that the person presenting the device assumes all liability for any damage to the device. The department is granted rulemaking authority to administer the section.

Sections 15, 20, and 22 amend ss. 317.0016, 319.28 and 319.323, F.S., by removing obsolete provisions related to certificates of repossession. Because the title must be held by the lienholder when it disposes of a vehicle, there is no need for certificate of repossession.

Section 16 amends s. 318.14, F.S., to provide that the penalty for the commercial driver license holder also applies to the commercial learner's permit holder. This aligns law with the federal rule, 49 C.F.R. 384.226.

Section 17 amends s. 318.1451, F.S., clarifying the agency's rulemaking authority to administer traffic law and substance abuse courses.

Section 18 creates s. 319.141, F.S., allowing the department to create a pilot rebuilt motor vehicle inspection program. By October 31, 2013 the department shall implement a pilot program in Miami-Dade and Hillsborough counties to evaluate alternatives for rebuilt inspection services to be offered by the private sector, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the department.

The bill requires the department to establish a memorandum of understanding that will allow private parties participating in the program to conduct rebuilt motor vehicles inspections and specifies requirements for oversight, bonding and insurance, procedures, and forms and requires the electronic transmission of documents.

The applicants shall meet basic criteria in order to be approved for the pilot program:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of $50,000 executed by the applicant;
- Have and maintain garage liability and other insurance required the department;
- Have completed criminal background checks of owners, partners, and corporate officers and the inspectors employed by the facility;
- Meet any additional criteria the department determines necessary to conduct proper inspections; and
- A participant in the program shall access vehicle and title information and enter inspection results through an electronic filing system authorized by the department.

The department shall submit a report to the President of the Senate and the Speaker of the House providing the results of the pilot program by February 1, 2015.

Section 319.141, F.S., is repealed on July 1, 2015, unless reenacted by the Legislature.

Section 19 amends s. 319.225, F.S., to require that when a dealer sells a vehicle to an out of state resident or out of state dealer and the power of attorney form is applicable to the transaction, the dealer must photocopy the completed original and mail to the department within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its purchaser.

The bill also allows for proper maintenance of electronic titles. The change will allow a new form for the buyer and seller in transferring motor vehicle electronic titles and will allow for those titles to remain electronic. If the transferee agrees to maintain the title electronically, both the transferor and the transferee must complete a secure reassignment document which discloses the odometer reading and which is signed by both at the tax collector office or license plate agency.

Sections 20, 24, 58, and 59 amend ss. 319.23, 320.02, 328.01, and 324.48, F.S., to require applicants for the titling and/or registration of vehicles and vessels to provide an officially recognized form of identification including a driver license or state ID card from another state,

and a valid passport. The bill provides business applicants the ability to use a local government – issued business license in lieu of a federal employer identification number.

Section 26 amends s. 320.05, F.S., removing the provision that electronic registration records shall be open to the inspection of the public during business hours. The bill clarifies the different types of information that can be made available upon proof of identification. The bill deletes the provision allowing certain businesses and professionals to obtain information by telecommunication in certain circumstances. The bill also conforms and clarifies a list of records that may be provided by the department.
Section 29 amends s. 320.18, F.S., expanding the department's authorization to withhold the registration of a motor vehicle or mobile home which was previously not legally registered, to also include any co-owner of the vehicle or mobile home. Currently, such authorization applies only to owners.

Sections 30, 31, 32, 33, and 34 amend ss. 320.27, 320.62, 320.77, 320.771, and 320.8225 F.S., allowing applicants for licenses necessary for motor vehicle dealers and manufacturers, mobile home dealers and manufacturers, and recreational vehicle dealers to choose an extension of the licensure period for an additional year, for a total of 2 years. An initial applicant pays to the department $300 for the first year, $75 for the second year, in addition to any other fees required by law. An applicant for renewal pays to the department $75 for a 1-year renewal or $150 for a 2-year renewal, in addition to any other fees required by law.

The bill amends s. 320.27(4)(a), F.S., adjusting the license issuance expiration date for franchise motor vehicle dealers from annually to expiring on December 31 of the year of its expiration unless the license is revoked or suspended prior to that date. Additionally, licenses issued to an independent or wholesale dealer or auction will expire on April 30 of the year of its expiration unless revoked or suspended prior to that date. The department shall deliver or mail to each licensee the necessary renewal forms, at least 60 days before the license expires.

The bill also amends s. 320.27(5), F.S., allowing persons obtaining a supplemental license for permanent additional place or places of business, not contiguous to the premises for which the original license is issued, on a form to be furnished by the department, and upon payment of a fee of $50 for each such additional location. Applicants are allowed to choose to extend the licensure period for an additional year for a total of 2 years. He or she will pay to the department a fee of $50 for the first year and $50 for the second year for each additional location. Thereafter, the applicant shall pay $50 for a 1-year renewal or $100 for a 2-year renewal for each such additional location.

The bill makes conforming changes to fee provisions to remain fee-neutral.

Section 35 amends s. 322.095, F.S., to require each driver license applicant to complete a traffic law and substance abuse education (TLSAE) course, unless he or she has been licensed in another jurisdiction or has satisfactorily completed a Department of Education driver education course offered pursuant to s. 1003.48, F.S.[44] The department approves traffic law and substance abuse education courses, including courses that use communications technology as a delivery

[44] http://www.flsenate.gov/Laws/Statutes/2012/1003.48 (Instruction in operation of motor vehicles)

method. Initial approval of traffic law and substance abuse education courses shall be based on the department's review of: all course materials, which must be designed to promote safety, education, and driver awareness; course presentation; and the provider's plan for effective oversight. Each course provider seeking approval of a traffic law and substance abuse education course must submit proof of ownership, copyright, or written permission from course owner to use the course in the state. Also, the curriculum must promote motorcyclist, bicyclist, and pedestrian safety and provide instruction on physiological and psychological consequences of the abuse of alcohol and other drugs; the societal and economic costs of alcohol and drug abuse; the effects of alcohol and drug abuse on the driver of a motor vehicle; the laws relating to the operation of a motor vehicle; the risk factors involved in driver attitude and irresponsible driver behaviors, such as speeding, reckless driving, and running red lights and stop signs; and results of the use of electronic devices while driving.

Prior to offering the course, the provider must obtain certification from the department. If the course is offered in a classroom setting, the course provider and any schools authorized by the provider to teach the course must offer the approved course at locations that are free from distractions and reasonably accessible to most applicants. The provider also must issue a certificate to persons successfully completing the course.

In addition to regular course costs, an assessment fee of $3 shall be collected by the school from each person. The course provider must remit the $3 assessment to the department for deposit into the Highway Safety Operating Trust Fund in order to receive a unique course completion certificate number for the student.

The department may maintain information and records necessary to administer its duties and responsibilities for the program. Course providers are required to maintain all records pertinent to the conduct of approved courses for 5 years and allow the department to inspect such records as necessary (including electronic records). If such information is a public record, it shall be made available to the public upon request.

The department shall design, develop, implement, and conduct effectiveness studies on each delivery method of approved courses on a recurring 3-year basis. Courses will be reviewed assessing the effectiveness in reducing DUI and moving traffic citations, and collision recidivism. If a course fails the effectiveness study, the provider shall immediately cease offering the course.

Courses must be updated at the department's request. The provider has 90 days to update a course, if asked by department. Failure to do so will result in suspension.

Course providers are responsible for the driver improvement schools conducting courses fully to the required time limits and content requirements—using only department approved materials. It is the responsibility of the course provider to ensure that students complete courses. If incompletion is found due to action, error, or omission on the part of the course provider or driver improvement school conducting the course there shall be accommodations made to permit that student's completion at no additional cost.

TLSAE courses are a minimum of 4 hours, devoted to course content minus a maximum of 30 minutes allotted for breaks.

Students are not allowed to purchase a course completion certificate. Course providers must clearly convey that the only valid course completion certificates are those that are entered into the department's Driver Improvement Certificate Issuance System. Paper certificates are not acceptable for any licensing purpose.

Course providers must clearly disclose all fees associated with the course during the registration period.

Within 5 days of course completion, the course provider must submit the names of persons having completed courses, at no cost to the student.

The department may deny, suspend, or revoke course approval upon proof that the course provider: (a) violated this section; (b) has been convicted of a crime involving any drug-related or DUI-related offense, a felony, fraud, or a crime directly related to the personal safety of a student; (c) failed to satisfy the effectiveness criteria as outlined in subsection (6); (d) obtained course approval by fraud or misrepresentation; (e) obtained or assisted a person in obtaining any driver license by fraud or misrepresentation; (f) conducted a traffic law and substance abuse education course in the state while approval of such course was under suspension or revocation; (g) failed to provide effective oversight of those who deliver the course in the state.

The department shall not accept certificates from students after a course has been suspended or revoked.

Persons convicted of drug-related or DUI-related crimes in the past 5 years, felony, fraud, or crimes directly related to personal safety of a student shall not be allowed to conduct traffic law and substance abuse education courses.

The department shall summarily suspend approval of any course without preliminary hearing for the purpose of protecting public safety and enforcing provisions of law governing traffic law and substance abuse education courses.

Before a course is denied, suspended, revoked, the course provider shall have the opportunity to request either a formal or informal administrative hearing to show cause as to why the action should not be taken.

The department may levy and collect a civil fine of at least $1,000, but not more than $5,000 for each violation of this section. Proceeds from collected fines shall be deposited into the Highway Safety Operating Trust Fund and used to cover the cost of administering or promoting highway safety initiatives.

Section 36 amends s. 322.125, F.S., relating to the composition of the Medical Advisory Board. The bill eliminates the requirements that a medical board member be a member of the Florida Medical Association, Florida Osteopathic Association or Florida Optometric Association.

Section 37 amends s. 322.135, F.S., providing that county tax collectors, if he or she has reason to believe that a licensee is physically or mentally unqualified to operate a motor vehicle, may choose not to issue or renew a driver license. The bill removes permissive language related to the tax collector's ability to refer such cases to DHSMV.

Section 38, creates s. 322.143, F.S., prohibiting private entities from swiping an individual's driver license or identification card, or from misusing, storing, sharing or selling personal information collected from a driver license or identification card, except for the following purposes:

- To verify the authenticity of a driver license or identification card or to verify the identity of the individual, if the individual pays for a good or service with a method other than cash, returns an item, or requests a refund;
- To verify the individual's age when providing an age-restricted good or service to a person about whom there is any reasonable doubt of the person's having reached 21 years of age;
- To prevent fraud or other criminal activity if an individual returns an item or requests a refund and the private entity uses a fraud prevention service company or system; and
- To transmit information to a check services company for the purpose of approving negotiable instruments, electronic funds transfers, or similar methods of payment.

The bill allows the private entity to manually collect the personal information needed from the individual if that person does not want the private entity to swipe his or her driver license or identification card. In addition to any other remedy provided by law, under this section individuals may bring an action to recover actual damages and to obtain equitable relief against any private entity.

Section 339 amends s. 322.18, F.S., allowing a licensee who is eligible to renew his or her driver license, and must submit to a vision test, to be examined and tested by a doctor of medicine or a doctor of osteopathy licensed to practice optometry in any state. The physician or optometrist must send results of that test to the department on a form obtained from the department and signed by such health care practitioner; and must meet vision standards that are equivalent to the standards for passing the departmental vision test. The physician or optometrist may submit the results of a vision test by the department-approved electronic means.

Section 40 amends s. 322.21, F.S. to modernize driver license language. This and subsequent sections change the word "driver's" to "driver" when referring to licenses.

Section 41 amends s. 322.212, F.S., to expand penalties for persons providing false information when applying for a commercial driver license to include those persons applying for commercial learner's permit as well as those convicted of fraud in connection with testing for a commercial driver license or commercial learner's permit, disqualifying him or her from operating a commercial motor vehicle for a period of 1 year.

Section 42 amends s. 322.22, F.S., to give the department the ability to refuse issuance or renewal of a license.

Section 43 amends s. 322.245, F.S., allowing the clerk of court to electronically notify the department within 10 days of a person failing to comply, and having been charged, with a specified offense under chs. 316 and 320, F.S., with the court's directives ordered by traffic court for failure to pay child support.

Section 44 amends s. 322.25, F.S., repealing subsection (7) which allows for court-ordered temporary reinstatement of a DUI offender's driving privilege. The provision has not been used since 1982.

Sections 45 and 46 amend ss. 322.2615 and 322.2616, F.S., providing that license suspension hearings may be conducted using electronic communications technology. Also, the bill clarifies that the failure of a subpoenaed witness to appear at the formal review hearing is not grounds to invalidate the suspension. However, if the witness fails to appear, a party may seek enforcement of a subpoena by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply resides or by filing a motion for enforcement in any criminal court case resulting from the driving or actual physical control of a motor vehicle that gave rise to the suspension. The bill further clarifies that a request for a formal review hearing or an informal review hearing shall not stay the suspension of the person's driver license. If the department fails to schedule the formal review hearing within 30 days after receipt of the request, the department shall invalidate the suspension If a scheduled hearing is continued at the department's initiative, a temporary driving permit must be issued that is valid until the hearing is conducted if the person is otherwise eligible for driving privileges.

Section 47 amends s. 322.271(7), F.S., to provide procedures for certain first-time DUI violators to obtain a business purposes only (BPO) driver license without a hearing. Individuals who have never had a driver license suspended under s. 322.2615, F.S., [45] have never been disqualified under s. 322.64, F.S., have never been convicted of a violation of s. 316.193, F.S., and have never applied for a BPO license, and whose driving privilege has been suspended may apply for a BPO license without a hearing as long as the person meets the requirements of this section and s. 322.291, F.S.[46] No matter the term used (*i.e.*, DUI, DWI, driving with an unlawful blood-alcohol level, etc.), outside of the state as provided in certain related sections of ch. 316, it is considered a conviction and will not allow for the BPO license. The reinstatement is for BPO driver license only for the remainder of the suspension imposed under s. 322.2615, F.S., and waives the formal or informal right of the applicant's review.

Section 48 amends s. 322.2715, F.S., to require that a convicted person seeking a restricted license, and who has been granted a medical waiver will not be entitled to a restricted license until the required IID installation period under s. 322.2715(3), F.S., expires. If a medical waiver has been approved for a convicted person seeking permanent reinstatement of the driver license, the convicted person must be restricted to an employment-purposes-only (EPO) license and be supervised by a licensed DUI program until the required IID install period expires.

Section 49 amends s. 322.28, F.S., to provide that *convictions* that occur on the same date resulting from separate *offense* dates, shall be treated as separate convictions and the offense

[45] http://www.flsenate.gov/Laws/Statutes/2012/322.2615
[46] http://www.flsenate.gov/Laws/Statutes/2012/322.291

which occurred earlier will be deemed a prior conviction for the purpose of s. 322.28, F.S. The bill also removes the maximum revocation period for first DUI convictions as the courts are ordering revocation periods that exceed the maximum period. Removing this will allow the department to better enforce court orders without a conflict in statute.

This section also removes language that is no longer applicable in reference to reexaminations required upon expiration of the revocation period to obtain a new driver license and authorizing the court to issue an order of reinstatement on a form furnished by the department for reinstatement by the department pursuant to s. 322.282, F.S.

This section removes the court's ability to reinstate a license when revoked for a DUI. This change would require all offenders to meet the departments' requirements for reinstatement of a DUI. It would close a loophole that allows a person whose license has been revoked/suspended for an alcohol related offense to obtain a court order for reinstatement of their driving privilege on a temporary basis.

Section 50 repeals s. 322.331, F.S., requiring that a habitual traffic offender (HTO) whose five-year revocation has expired, and has not had an HTO hearing, must request a hearing prior to driver license reinstatement. These hearings are cursory, with all such drivers granted the option to reinstate. The bill eliminates the requirement for a hearing. In no other circumstances do statutes require a hearing for reinstatement determination once a sanction has expired. This change would reduce the number of hearings held by the Bureau of Administrative Reviews by approximately 1,000 and free up resources for re-allocation.

Additionally, this section eliminates s. 322.331(2), F.S., because it references requirements that must have occurred prior to July 1, 2011. This subsection was authorized for a one-time amnesty program. This provision is no longer effective.

Section 51 amends s. 322.61, F.S., to remove the provisions of careless driving, fleeing or attempting to elude a law enforcement officer, or driving CMVs that are not properly insured. This section also removes a provision for individuals receiving a citation who provide proof to the clerk of court or designated official, by the date the individual must appear in court or pay any fine for violation, that he or she did hold valid commercial driver's license to be not guilty of the offense.

The section also revises outdated CMV language regarding possession of controlled substances, and driving a CMV when the licenseholder's driver license is suspended, revoked, or canceled or when the licenseholder is disqualified from driving a CMV.

The bill adds language concerning disqualification of CMV violations for purposes of commercial driver licenses.

The bill applies the same provisions to the commercial learner's permit as it does to the commercial driver license, and now mirrors the federal rule, 49 CFR 383.51.[47]

[47] Id

Section 52 amends s. 322.64, F.S., to bring the department into compliance with federal law, 49 CFR 383.51.[48] The bill clarifies that the statute's use of the term "disqualification" is considered a "conviction" for purposes of determining the length of a suspension period under the federal code. The bill also clarifies that, in hearings held pursuant to s. 322.64, F.S., a crash report shall be considered by the Hearing Officer, notwithstanding the exemption in s. 316.066, F.S. This mirrors an existing provision in s. 322.2615(2), F.S. Similarly, in s. 322.64(7)(a)1., F.S., relating to the scope of the hearing, the bill removes the word "arresting" from "arresting law enforcement officer." This change mirrors current provisions of ss. 322.2615(7) (a)1. and 322.2616(8) (a)1., F.S.

Section 53, amends s. 323.002(2) and adds a new subsection (3), F.S., authorizing expansion of counties' authority to establish "wrecker operator system" by establishing a requirement that its wrecker operators acquire and maintain liability insurance of at least $300,000, and $50,000 for on the hook cargo. This section provides that a person who illegally monitors police radio communications between patrol units and dispatchers and uses that information to show up "on the scene" at disabled cars or accidents, commits a noncriminal violation, punishable as provided by s. 775.082, F.S.[49]

If an unauthorized wrecker operator, driving by a scene is signaled to stop, he or she must disclose in writing to the vehicle owner his or her full name, driver license number, informing that person that he or she is not an authorized wrecker operator. Once the vehicle owner is informed and then chooses to allow the tow to take place, the wrecker operator must divulge the maximum cost for towing and storage (in the presence of law enforcement, if on scene) before hook up. Also, it is unlawful for the wrecker operator to falsely identify himself or herself as being part of the wrecker operator system. If a person violates any part of this section, he or she commits a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.,[50] and the vehicle used to tow may be immediately removed and impounded.

A local law enforcement officer may authorize the removal and impoundment of a tow truck being used in violation of these provisions in this section. All costs will be at the expense of the wrecker operator. Such impounded tow vehicles may not be released from impound or storage until a release form is completed by the authority that initially ordered the removal or impound. Aside from any other provisions, upon retrieval of the tow vehicle and in addition to any other penalties imposed for noncriminal violations, the tow operator must pay a cost recovery fine of $500 for a first violation and $1,000 for each subsequent violation. The cost-recovery funds will be retained by the authority responsible for ordering the removal and impound.

Section 54 amends s. 324.0221, F.S., providing that insurers issuing policies providing personal injury protection coverage or property damage liability coverage shall report the cancellation or nonrenewal to the department within 10 days after the processing date of each renewal, cancellation or nonrenewal. Upon the issuance of a policy providing personal injury protection coverage or property damage liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer shall report the issuance of the new policy to the

[48] http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol5/pdf/CFR-2011-title49-vol5-sec383-51.pdf (Subpart D – Driver Disqualifications and Penalties)
[49] Id.
[50] Id.

department within 10 days. The report shall be in the form and format and contain any information required by the department and must be provided in a format that is compatible with the data processing capabilities of the department. The department may adopt rules regarding the form and documentation required. Failure by an insurer to file proper reports with the department as required by this subsection or rules adopted with respect to the requirements constitutes a violation of the Florida Insurance Code. These records may be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

Section 55 amends s. 324.031, F.S., removing the surety bond self-insurance option.

Section 56 amends s. 324.091, F.S. removing the requirement that insurers and the department exchange certain coverage information via US mail, postage prepaid. The bill removes the US mail requirement, as the department and insurers move toward further electronic notification and data exchange.

Section 57 amends s. 324.161, F.S., to provide that a person can present proof of a certificate of deposit (CD) to be held by the financial institute that issued it. The CD must be in the amount of $30,000, and a power of attorney must be issued and held by the department.

Section 60 amends s. 328.76, F.S., to revise the requirement that the department retain $1.4 million of the Marine Resources Conservation Trust Fund revenues from vessel registration fees for deposit into the Highway Safety Operating Trust Fund for administrative costs. The bill authorizes the department only to retain an amount equal to their administrative costs. All other funds collected from vessel registration fees, except for the portion for the counties, must be deposited in the Marine Resources Conversation Trust Fund.

Section 61 amends s. 713.585, F.S., to require that a person claiming a lien on a vehicle for towing, storage, or other services must notify all persons claiming an interest in the vehicle, as identified through a records check of the NMVTIS.

Section 62 amends s. 713.78, F.S., relating to persons who claim a wrecker operator's lien for recovery, towing, or storage of an abandoned vehicle or vessel upon instructions from property owner or law enforcement agency. The section is amended to also include a landlord or person authorized by a landlord, to cause the removal of vehicles or vessels that remain on the premises after a tenancy is terminated. Persons who claim a wrecker operator's lien for recovery, towing, or storage must check the records of NMVTIS to identify all interested parties when notifying the vehicle's owners.

Sections 63 through 78 either amend, revise, correct or repeal various sections of the bill to correct cross-references which will change as a result of the bill.

The bill takes effect July 1, 2013.

Other Potential Implications:

Section 38 relating to the electronic collection of data contained on driver licenses and identification cards may impede the efforts of pharmacists tracking individuals purchasing over-the-counter medicines that may be converted to illegal substances (*e.g.*, pseudoephedrine) or controlled substances identified in ch. 893, F.S.

According to the DHSMV, significant programming is required to implement several provisions of the bill. Therefore, an effective date change of October 1, 2013, may be in order.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Section 40 of the bill removes the requirement for habitual traffic offenders to attend a reinstatement hearing and will result in a $12 savings to such individuals. All other fees in the bill remain fee-neutral.

B. Private Sector Impact:

The bill makes a number of changes extending penalties to holders of commercial learner permits.

C. Government Sector Impact:

The CS/CS adds Captains in the Florida Highway Patrol to the list of employees who may be classified as Select Exempt. There are 47 FHP Captains; The cost to reclassify these positions to Select Exempt Service is estimated to be $88,000, and can be accommodated within existing budget authority provided from the Highway Safety Operating Trust Fund

This bill will require programming, which the department indicates can be absorbed within existing resources. The Revenue Impact Conference has reviewed this bill for other fiscal impacts.

Section 19 of the bill provides for a title to be held electronically, if agreed to by the transferee, and both the buyer and seller complete a reassignment document at a tax collector or license plate agency. The e-titles to paper title ratio is approximately twenty-five percent and is applied against the casual sales transactions within a 45 day window in order to calculate the estimates below.

	Amount Year 1 FY 2013-2014	Amount Year 2 FY 2014-2015
REVENUES:		
Paper Title Service Fee		
Highway Safety Operating TF	($ 2,204)	($ 2,283)
Fast Title Fees		
General Revenue Fund	($ 7,495)	($ 9,168)
Highway Safety Operating TF	($ 24,984)	($ 30,561)
Total Fast Title Impact – State Funds	($ 34,683)	($ 42,013)

The Revenue Impact Conference has reviewed this bill and determined it has a negligible fiscal impact to the General Revenue Fund related to the expanded use of electronic titles. Section 55 of the bill reduces the amount retained for administrative costs incurred by the department for processing and distributing vessel registration fees from $1.4 million to an amount equal to the administrative costs of the department

	Amount Year 1 FY 2013-2014	Amount Year 2 FY 2014-2015
REVENUES:		
Highway Safety Operating Trust Fund		
Vessel Administrative Fee	($ 596,272)	($ 596,272)
Florida Fish and Wildlife Commission		
Marine Resources Conservation TF		
Vessel Base Tax Revenues	$ 596,272	$ 596,272

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development Committee on March 28, 2013:
The CS:

- Removes provisions which would have eliminated the 80% threshold used to determine whether a vehicle was rebuildable or must be scrapped;
- Allows persons with certain alcohol-related driving offenses, having no previous convictions, to be issued a business purposes only driver license without a hearing;
- Reclassifies FHP captains' positions to select exempt service from career service;
- Clarifies that FDOT is authorized to immediately receive crash reports that are ordinarily confidential and exempt;
- Creates definitions, provisions and remedies relating to the electronic collection of personal data on driver licenses or identification cards by private entities;
- Prohibits children under the age of 6 years from riding in the back of pickup trucks or flatbed trucks with posted speed limits greater than forty five miles per hour;
- Authorizes local law enforcement to impound wreckers violating the provisions of an authorized wrecker operating system;

CS by Transportation on March 14, 2013:
The CS:

- Added provisions authorizing DHSMV to implement a pilot program in Miami-Dade and Hillsborough Counties to evaluate private services for the inspection of rebuilt vehicles.
- Added provisions relating to road rage and the requirement for drivers to yield to overtaking vehicles, and limiting violations to drivers traveling no more than 10 mph under the speed limit.
- Added provisions revising the notification and the value threshold used in salvage vehicle transactions.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Before line 336
4 insert:
5 Section 1. Paragraph (m) of subsection (2) of section
6 110.205, Florida Statutes, is amended to read:
7 110.205 Career service; exemptions.—
8 (2) EXEMPT POSITIONS.—The exempt positions that are not
9 covered by this part include the following:
10 (m) All assistant division director, deputy division
11 director, and bureau chief positions in any department, and
12 those positions determined by the department to have managerial

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13 responsibilities comparable to such positions, which include,
14 but are not limited to:
15 1. Positions in the Department of Health and the Department
16 of Children and Family Services that are assigned primary duties
17 of serving as the superintendent or assistant superintendent of
18 an institution.
19 2. Positions in the Department of Corrections that are
20 assigned primary duties of serving as the warden, assistant
21 warden, colonel, or major of an institution or that are assigned
22 primary duties of serving as the circuit administrator or deputy
23 circuit administrator.
24 3. Positions in the Department of Transportation that are
25 assigned primary duties of serving as regional toll managers and
26 managers of offices, as defined in s. 20.23(4)(b) and (5)(c).
27 4. Positions in the Department of Environmental Protection
28 that are assigned the duty of an Environmental Administrator or
29 program administrator.
30 5. Positions in the Department of Health that are assigned
31 the duties of Environmental Administrator, Assistant County
32 Health Department Director, and County Health Department
33 Financial Administrator.
34 6. Positions in the Department of Highway Safety and Motor
35 Vehicles that are assigned primary duties of serving as captains
36 in the Florida Highway Patrol.
37 Unless otherwise fixed by law, the department shall set the
38 salary and benefits of the positions listed in this paragraph in
39 accordance with the rules established for the Selected Exempt
40 Service.
41

433630

42 ========== T I T L E A M E N D M E N T ==========
43 And the title is amended as follows:
44 Delete line 3
45 and insert:
46 and Motor Vehicles; amending s. 110.205, F.S.;
47 providing that certain positions in the department are
48 exempt from career service; amending s. 207.002, F.S.,

212266

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 420 and 421
4 insert:
5 Section 4. Paragraph (b) of subsection (2) of section
6 316.066, Florida Statutes, is amended to read:
7 316.066 Written reports of crashes.—
8 (2)
9 (b) Crash reports held by an agency under paragraph (a) may
10 be made immediately available to the parties involved in the
11 crash, their legal representatives, their licensed insurance
12 agents, their insurers or insurers to which they have applied

212266

13 for coverage, persons under contract with such insurers to
14 provide claims or underwriting information, prosecutorial
15 authorities, law enforcement agencies, the Department of
16 Transportation, county traffic operations, victim services
17 programs, radio and television stations licensed by the Federal
18 Communications Commission, newspapers qualified to publish legal
19 notices under ss. 50.011 and 50.031, and free newspapers of
20 general circulation, published once a week or more often,
21 available and of interest to the public generally for the
22 dissemination of news. For the purposes of this section, the
23 following products or publications are not newspapers as
24 referred to in this section: those intended primarily for
25 members of a particular profession or occupational group; those
26 with the primary purpose of distributing advertising; and those
27 with the primary purpose of publishing names and other personal
28 identifying information concerning parties to motor vehicle
29 crashes.
30
31 ========== T I T L E A M E N D M E N T ==========
32 And the title is amended as follows:
33 Delete line 9
34 and insert:
35 F.S.; defining the term “road rage”; amending s.
36 316.066, F.S.; authorizing the Department of
37 Transportation to immediately receive a crash report;
38 amending s.

776840

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 491 and 492
4 insert:
5 Section 7. Subsection (2) of section 316.2397, Florida
6 Statutes, is amended to read:
7 316.2397 Certain lights prohibited; exceptions.—
8 (2) It is expressly prohibited for any vehicle or
9 equipment, except police vehicles, to show or display blue
10 lights. However, vehicles owned, operated, or leased by the
11 Department of Corrections or any county correctional agency may
12 show or display blue lights when responding to emergencies. With

776840

13 written approval of the city's police chief or county sheriff, a
14 city mayor who is the head of a city government and the head law
15 enforcement official of the municipality are exempt from the
16 prohibition under this subsection.
17
18 ========== T I T L E A M E N D M E N T ==========
19 And the title is amended as follows:
20 Delete line 22
21 and insert:
22 amending; s. 316.2397, F.S.; exempting specified
23 municipal officials from a prohibition against showing
24 or displaying blue lights on a motor vehicle under
25 certain conditions; amending s. 316.302, F.S.;
26 revising provisions for

780262

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Sobel) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 491 and 492
4 insert:
5 Section 8. Section 316.2015, Florida Statutes, is amended
6 to read:
7 316.2015 Unlawful for person to ride on exterior of
8 vehicle.—
9 (1) It is unlawful for any operator of a passenger vehicle
10 to permit any person to ride on the bumper, radiator, fender,
11 hood, top, trunk, or running board of such vehicle when operated
12 upon any street or highway which is maintained by the state,

780262

13 county, or municipality. Any person who violates this subsection
14 shall be cited for a moving violation, punishable as provided in
15 chapter 318.
16 (2)(a) No person shall ride on any vehicle upon any portion
17 thereof not designed or intended for the use of passengers. This
18 paragraph does not apply to an employee of a fire department, an
19 employee of a governmentally operated solid waste disposal
20 department or a waste disposal service operating pursuant to a
21 contract with a governmental entity, or to a volunteer
22 firefighter when the employee or firefighter is engaged in the
23 necessary discharge of a duty, and does not apply to a person
24 who is being transported in response to an emergency by a public
25 agency or pursuant to the direction or authority of a public
26 agency. This paragraph does not apply to an employee engaged in
27 the necessary discharge of a duty or to a person or persons
28 riding within truck bodies in space intended for merchandise.
29 (b) It is unlawful for any operator of a pickup truck or
30 flatbed truck to permit a minor child who has not attained 18
31 years of age to ride upon limited access facilities of the state
32 within the open body of a pickup truck or flatbed truck unless
33 the minor is restrained within the open body in the back of a
34 truck that has been modified to include secure seating and
35 safety restraints to prevent the passenger from being thrown,
36 falling, or jumping from the truck. This paragraph does not
37 apply in a medical emergency if the child is accompanied within
38 the truck by an adult. A county is exempt from this paragraph if
39 the governing body of the county, by majority vote, following a
40 noticed public hearing, votes to exempt the county from this
41 paragraph.

780262

42 (c) It is unlawful for any operator of a pickup truck or
43 flatbed truck to permit a minor child who has not attained 6
44 years of age to ride upon any street or highway with a posted
45 speed limit of greater than forty five miles per hour which is
46 maintained by the state, county, or municipality within the open
47 body of a pickup truck or flatbed truck unless the minor is
48 restrained within the open body in the back of a truck that has
49 been modified to include secure seating and safety restraints to
50 prevent the minor from being thrown, falling, or jumping from
51 the truck. This paragraph does not apply in a medical emergency
52 if the child is accompanied within the truck by an adult, or on
53 an unpaved road. A county is exempt from this paragraph if the
54 governing body of the county, by majority vote, following a
55 noticed public hearing, votes to exempt the county from this
56 paragraph. An operator of a pickup truck is exempt from this
57 paragraph if the pickup truck is the only vehicle owned by the
58 operator or his or her immediate family.
59 (d) ~~(c)~~ Any person who violates this subsection shall be
60 cited for a nonmoving violation, punishable as provided in
61 chapter 318.
62 (3) This section does ~~shall~~ not apply to a performer
63 engaged in a professional exhibition or person participating in
64 an exhibition or parade, or any such person preparing to
65 participate in such exhibitions or parades.
66
67 ========== T I T L E A M E N D M E N T ==========
68 And the title is amended as follows:
69 Delete line 22
70 and insert:

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71 amending s. 316.2015, F.S.; prohibiting the operator
72 of a pickup truck or flatbed truck from permitting a
73 child who is younger than 6 years of age from riding
74 within the open body of the truck under certain
75 circumstances; amending s. 316.302, F.S.; revising
76 provisions for

537550

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

1 **Senate Amendment**
2
3 Delete lines 1206 - 1226.

839942

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

1 **Senate Substitute for Amendment (537550) (with title**
2 **amendment)**
3
4 Delete lines 1110 - 1725.
5
6 ========== T I T L E A M E N D M E N T ==========
7 And the title is amended as follows:
8 Delete lines 79 - 130
9 and insert:
10 repossession; amending s.

609214

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

1 **Senate Amendment**
2
3 Delete lines 1424 - 1432
4 and insert:
5
6 sought. If the estimated costs of repairing the physical and
7 mechanical damage to the vehicle are equal to 80 percent or more
8 of the current retail cost of the vehicle, as established in any
9 official used car or used mobile home guide, the department
10 shall declare the vehicle unrebuildable and print a certificate
11 of destruction, which authorizes the dismantling or destruction
12 of the motor vehicle or mobile home described therein. However,

609214

13 if the damaged motor vehicle is equipped with

642866

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

1 **Senate Substitute for Amendment (609214) (with title**
2 **amendment)**
3
4 Delete lines 1110 - 1725.
5
6 ========== T I T L E A M E N D M E N T ==========
7 And the title is amended as follows:
8 Delete lines 79 - 130
9 and insert:
10 repossession; amending s.

818276

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Gardiner) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 2526 and 2527
4 insert:
5 Section 36. Section 322.143, Florida Statutes, is created
6 to read:
7 322.143 Use of a driver license or identification card.—
8 (1) As used in this section, the term:
9 (a) "Personal information" means an individual's name,
10 address, date of birth, driver license number, or identification
11 card number.
12 (b) "Private entity" means any nongovernmental entity, such

818276

13 as a corporation, partnership, company or nonprofit
14 organization, any other legal entity, or any natural person.
15 (c) "Swipe" means the act of passing a driver license or
16 identification card through a device that is capable of
17 deciphering, in an electronically readable format, the
18 information electronically encoded in a magnetic strip or bar
19 code on the driver license or identification card.
20 (2) Except as provided in subsection (6), a private entity
21 may not swipe an individual's driver license or identification
22 card, except for the following purposes:
23 (a) To verify the authenticity of a driver license or
24 identification card or to verify the identity of the individual
25 if the individual pays for a good or service with a method other
26 than cash, returns an item, or requests a refund.
27 (b) To verify the individual's age when providing an age-
28 restricted good or service to a person about whom there is any
29 reasonable doubt of the person's having reached 21 years of age.
30 (c) To prevent fraud or other criminal activity if an
31 individual returns an item or requests a refund and the private
32 entity uses a fraud prevention service company or system.
33 (d) To transmit information to a check services company for
34 the purpose of approving negotiable instruments, electronic
35 funds transfers, or similar methods of payment.
36 (3) A private entity that swipes an individual's driver
37 license or identification card under paragraph (2)(a) or
38 paragraph (2)(b) may not store, sell, or share personal
39 information collected from swiping the driver license or
40 identification card.
41 (4) A private entity that swipes an individual's driver

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42 license or identification card under paragraph (2)(c) or
43 paragraph (2)(d) may store or share personal information
44 collected from swiping an individual's driver license or
45 identification card for the purpose of preventing fraud or other
46 criminal activity against the private entity.
47 (5)(a) A person other than an entity regulated by the
48 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who
49 receives personal information from a private entity under
50 subsection (4) may use the personal information received only to
51 prevent fraud or other criminal activity against the private
52 entity that provided the personal information.
53 (b) A person who is regulated by the federal Fair Credit
54 Reporting Act and who receives personal information from a
55 private entity under subsection (4) may use or provide the
56 personal information received only to effect, administer, or
57 enforce a transaction or prevent fraud or other criminal
58 activity, if the person provides or receives personal
59 information under contract from the private entity.
60 (6) If the individual does not want the private entity to
61 swipe the individual's driver license or identification card,
62 the private entity may manually collect personal information
63 from the individual.
64 (7) The private entity may not withhold the provision of
65 goods or services solely as a result of the individual
66 requesting the collection of the data in subsection (6) from the
67 individual through manual means.
68 (8) In addition to any other remedy provided by law, an
69 individual may bring an action to recover actual damages and to
70 obtain equitable relief, if equitable relief is available,

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71 against an entity that swipes, stores, shares, sells, or
72 otherwise uses the individuals personal information in violation
73 of this section. If a court finds that a violation of this
74 section was willful or knowing, the court may increase the
75 amount of the award to no more than three times the amount
76 otherwise available.
77
78 ========== T I T L E A M E N D M E N T ==========
79 And the title is amended as follows:
80 Delete line 205
81 and insert:
82 department for examination or reexamination; creating
83 s. 322.143, F.S.; defining terms; prohibiting a
84 private entity from swiping an individual's driver
85 license or identification card except for certain
86 specified purposes; providing that a private entity
87 that swipes an individual's driver license or
88 identification card may not store, sell, or share
89 personal information collected from swiping the driver
90 license or identification card; providing that a
91 private entity may store or share personal information
92 collected from swiping an individual's driver license
93 or identification card for the purpose of preventing
94 fraud or other criminal activity against the private
95 entity; providing that the private entity may manually
96 collect personal information; prohibiting a private
97 entity from withholding the provision of goods or
98 services solely as a result of the individual
99 requesting the collection of the data through manual

818276

100 means; providing remedies; amending

556300

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

1 **Senate Amendment to Amendment (818276)**
2
3 Delete line 60
4 and insert:
5 (6)(a) An individual may consent to allow the private
6 entity to swipe the individual's driver license or
7 identification card to collect and store personal information.
8 However, the individual must be informed what information is
9 collected and the purpose or purposes for which it will be used.
10 (b) If the individual does not want the private entity to

247900

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Evers) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 2744 - 2746
4 and insert:
5 3. The driver may request a formal or informal review of
6 the suspension by the department within 10 days after the date
7 of issuance of the notice of suspension <u>or may request a</u>
8 <u>restricted license pursuant to s. 322.271(7), if eligible</u>.
9
10 ========== T I T L E A M E N D M E N T ==========
11 And the title is amended as follows:
12 Delete line 237

247900

13 and insert:
14 level; providing procedures for a driver to be issued
15 a restricted license under certain circumstances;
16 revising provisions for informal and formal

421682

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Margolis) recommended the following:

Senate Amendment (with title amendment)

Between lines 3961 and 3962
insert:
Section 49. Present subsections (2) and (3) of section 323.002, Florida Statutes, are amended and a new subsection (3) is added to that section, to read:
323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—
(2) In any county or municipality that operates a wrecker operator system:
(a) It is unlawful for an unauthorized wrecker operator or

421682

its employees or agents to monitor police radio for communications between patrol field units and the dispatcher in order to determine the location of a wrecked or disabled vehicle for the purpose of driving by the scene of such vehicle in a manner described in paragraph (b) or paragraph (c). Any person who violates this paragraph commits ~~is guilty of~~ a noncriminal violation, punishable as provided in s. 775.083, and a wrecker, tow truck, or other motor vehicle used during the violation may be immediately removed and impounded pursuant to subsection (3).

(b) It is unlawful for an unauthorized wrecker operator to drive by the scene of a wrecked or disabled vehicle before the arrival of an authorized wrecker operator, initiate contact with the owner or operator of such vehicle by soliciting or offering towing services, and tow such vehicle. Any person who violates this paragraph commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and a wrecker, tow truck, or other motor vehicle used during the violation may be immediately removed and impounded pursuant to subsection (3).

(c) If ~~when~~ an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose in writing to the owner or operator of the disabled vehicle his or her full name, driver license number, that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system, that the motor vehicle is not being towed for the owner’s or operator’s insurance company or lienholder, and the maximum ~~must disclose,~~

421682

42 ~~in writing, a fee schedule that includes what~~ charges for towing
43 and storage which will apply before the vehicle is connected to
44 ~~or disconnected from~~ the towing apparatus. If a law enforcement
45 officer is present at the scene of a motor vehicle accident, the
46 unauthorized wrecker operator must provide such disclosures to
47 the owner or operator of the disabled vehicle in the presence of
48 the law enforcement officer ~~The fee charged per mile to and from~~
49 ~~the storage facility, the fee charged per 24 hours of storage,~~
50 ~~and, prominently displayed, the consumer hotline for the~~
51 ~~Department of Agriculture and Consumer Services~~. Any person who
52 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
53 the second degree, punishable as provided in s. 775.082 or s.
54 775.083, and a wrecker, tow truck, or other motor vehicle used
55 during the violation may be immediately removed and impounded
56 pursuant to subsection (3).
57 (d) At the scene of a wrecked or disabled vehicle, it is
58 unlawful for a wrecker operator to falsely identify himself or
59 herself as being part of the wrecker operator system. Any person
60 who violates this paragraph commits ~~is guilty of~~ a misdemeanor
61 of the first degree, punishable as provided in s. 775.082 or s.
62 775.083, and a wrecker, tow truck, or other motor vehicle used
63 during the violation may be immediately removed and impounded
64 pursuant to subsection (3).
65 (3)(a) A law enforcement officer from a local governmental
66 agency or a state law enforcement agency may cause a wrecker,
67 tow truck, or other motor vehicle that is used in violation of
68 subsection (2) to be immediately removed and impounded from the
69 scene of a wreck or disabled vehicle at the unauthorized wrecker
70 operator's expense. The unauthorized wrecker operator shall be

421682

71 assessed a cost-recovery fine as provided in paragraph (b) by
72 the authority that ordered the immediate removal and impoundment
73 of the wrecker, tow truck, or other motor vehicle. A wrecker,
74 tow truck, or other motor vehicle that is removed and impounded
75 pursuant to this section may not be released from an impound or
76 towing and storage facility until a release form has been
77 completed by the authority that ordered the immediate removal
78 and impoundment of the wrecker, tow truck, or other motor
79 vehicle under this section. The release form must verify that
80 the cost-recovery fine as provided in paragraph (b) has been
81 paid to such authority. The vehicle must remain impounded until
82 the cost-recovery fine has been paid or until the vehicle is
83 sold at public sale pursuant to s. 713.78.
84 (b) Notwithstanding any other provision of law to the
85 contrary, an unauthorized wrecker operator, upon retrieval of a
86 wrecker, tow truck, or other motor vehicle removed or impounded
87 pursuant to this section, in addition to any other penalties
88 that may be imposed for noncriminal violations, shall pay a
89 cost-recovery fine of $500 for a first-time violation of
90 subsection (2), or a fine of $1,000 for each subsequent
91 violation, to the authority that ordered the immediate removal
92 and impoundment of the wrecker, tow truck, or other motor
93 vehicle under this section. Cost-recovery funds collected
94 pursuant to this subsection shall be retained by the authority
95 that ordered the removal and impoundment of the wrecker, tow
96 truck, or other motor vehicle and may be used only for
97 enforcement, investigation, prosecution, and training related to
98 towing violations and crimes involving motor vehicles.
99 (c) Notwithstanding any other provision of law to the

421682

100 contrary and in addition to the cost-recovery fine required by
101 this subsection, a person who violates any provision of
102 subsection (2) shall pay the fees associated with the removal
103 and storage of an unauthorized wrecker, tow truck, or other
104 motor vehicle.
105 (4) ~~(3)~~ This section does not prohibit, or in any way
106 prevent, the owner or operator of a vehicle involved in an
107 accident or otherwise disabled from contacting any wrecker
108 operator for the provision of towing services, whether the
109 wrecker operator is an authorized wrecker operator or not.
110
111 ========== T I T L E A M E N D M E N T ==========
112 And the title is amended as follows:
113 Between lines 279 and 280
114 insert:
115 323.002, F.S.; providing that an unauthorized wrecker,
116 tow truck, or other motor vehicle used during certain
117 offenses may be immediately removed and impounded;
118 requiring that an unauthorized wrecker operator
119 disclose in writing to the owner or operator of a
120 disabled motor vehicle certain information; requiring
121 that the unauthorized wrecker operator provide such
122 disclosure to the owner or operator of the disabled
123 vehicle in the presence of a law enforcement officer
124 if one is present at the scene of a motor vehicle
125 accident; authorizing a law enforcement officer from a
126 local governmental agency or state law enforcement
127 agency to remove and impound an unauthorized wrecker,
128 tow truck, or other motor vehicle from the scene of a

421682

129 disabled vehicle or wreck; authorizing the authority
130 that caused the removal and impoundment to assess a
131 cost-recovery fine; requiring a release form;
132 requiring that the wrecker, tow truck, or other motor
133 vehicle remain impounded until the fine has been paid;
134 providing for public sale of an impounded vehicle;
135 providing fines for violations; requiring that the
136 unauthorized wrecker operator pay the fees associated
137 with the removal and storage of the wrecker, tow
138 truck, or other motor vehicle; amending s.

588566

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment to Amendment (421682) (with title amendment)

Delete lines 5 - 9
and insert:
Section 49. Present section 323.002, Florida Statutes, is amended and a new subsection (3) is added to that section, to read:
323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—
(1) As used in this section, the term:
(a) "Authorized wrecker operator" means any wrecker

588566

13 operator who has been designated as part of the wrecker operator
14 system established by the governmental unit having jurisdiction
15 over the scene of a wrecked or disabled vehicle.
16 (b) "Unauthorized wrecker operator" means any wrecker
17 operator who has not been designated as part of the wrecker
18 operator system established by the governmental unit having
19 jurisdiction over the scene of a wrecked or disabled vehicle.
20 (c) "Wrecker operator system" means a system for the towing
21 or removal of wrecked, disabled, or abandoned vehicles, similar
22 to the Florida Highway Patrol wrecker operator system described
23 in s. 321.051(2), under which a county or municipality contracts
24 with one or more wrecker operators for the towing or removal of
25 wrecked, disabled, or abandoned vehicles from accident scenes,
26 streets, or highways. A wrecker operator system must include a
27 requirement that authorized wrecker operators must maintain
28 liability insurance of at least $300,000, and on-hook cargo
29 insurance of at least $50,000. A wrecker operator system must
30 ~~shall~~ include using a method for apportioning the towing
31 assignments among the eligible wrecker operators through the
32 creation of geographic zones, a rotation schedule, or a
33 combination of these methods.
34
35 ========== T I T L E A M E N D M E N T ==========
36 And the title is amended as follows:
37 Delete line 115
38 and insert:
39 323.002, F.S.; revising the definition of a wrecker
40 operator system; providing that an authorized wrecker,

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 5002 - 5095
and insert:
Section 68. Subsections (4) and (5) of section 322.271, Florida Statutes, are amended, and subsection (7) is added to that section, to read:
322.271 Authority to modify revocation, cancellation, or suspension order.—
(4) Notwithstanding the provisions of s. 322.28(2)(d) ~~322.28(2)(c)~~, a person whose driving privilege has been permanently revoked because he or she has been convicted of DUI

263932

13 manslaughter in violation of s. 316.193 and has no prior
14 convictions for DUI-related offenses may, upon the expiration of
15 5 years after the date of such revocation or the expiration of 5
16 years after the termination of any term of incarceration under
17 s. 316.193 or former s. 316.1931, whichever date is later,
18 petition the department for reinstatement of his or her driving
19 privilege.
20 (a) Within 30 days after the receipt of such a petition,
21 the department shall afford the petitioner an opportunity for a
22 hearing. At the hearing, the petitioner must demonstrate to the
23 department that he or she:
24 1. Has not been arrested for a drug-related offense during
25 the 5 years preceding the filing of the petition;
26 2. Has not driven a motor vehicle without a license for at
27 least 5 years prior to the hearing;
28 3. Has been drug-free for at least 5 years prior to the
29 hearing; and
30 4. Has completed a DUI program licensed by the department.
31 (b) At such hearing, the department shall determine the
32 petitioner's qualification, fitness, and need to drive. Upon
33 such determination, the department may, in its discretion,
34 reinstate the driver ~~driver's~~ license of the petitioner. Such
35 reinstatement must be made subject to the following
36 qualifications:
37 1. The license must be restricted for employment purposes
38 for at least ~~not less than~~ 1 year; and
39 2. Such person must be supervised by a DUI program licensed
40 by the department and report to the program for such supervision
41 and education at least four times a year or additionally as

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42 required by the program for the remainder of the revocation
43 period. Such supervision shall include evaluation, education,
44 referral into treatment, and other activities required by the
45 department.
46 (c) Such person must assume the reasonable costs of
47 supervision. If such person fails to comply with the required
48 supervision, the program shall report the failure to the
49 department, and the department shall cancel such person's
50 driving privilege.
51 (d) If, after reinstatement, such person is convicted of an
52 offense for which mandatory revocation of his or her license is
53 required, the department shall revoke his or her driving
54 privilege.
55 (e) The department shall adopt rules regulating the
56 providing of services by DUI programs pursuant to this section.
57 (5) Notwithstanding the provisions of s. 322.28(2)(d)
58 ~~322.28(2)(c)~~, a person whose driving privilege has been
59 permanently revoked because he or she has been convicted four or
60 more times of violating s. 316.193 or former s. 316.1931 may,
61 upon the expiration of 5 years after the date of the last
62 conviction or the expiration of 5 years after the termination of
63 any incarceration under s. 316.193 or former s. 316.1931,
64 whichever is later, petition the department for reinstatement of
65 his or her driving privilege.
66 (a) Within 30 days after receipt of a petition, the
67 department shall provide for a hearing, at which the petitioner
68 must demonstrate that he or she:
69 1. Has not been arrested for a drug-related offense for at
70 least 5 years prior to filing the petition;

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71 2. Has not driven a motor vehicle without a license for at
72 least 5 years prior to the hearing;
73 3. Has been drug-free for at least 5 years prior to the
74 hearing; and
75 4. Has completed a DUI program licensed by the department.
76 (b) At the hearing, the department shall determine the
77 petitioner's qualification, fitness, and need to drive, and may,
78 after such determination, reinstate the petitioner's driver
79 ~~driver's~~ license. The reinstatement shall be subject to the
80 following qualifications:
81 1. The petitioner's license must be restricted for
82 employment purposes for at least ~~not less than~~ 1 year; and
83 2. The petitioner must be supervised by a DUI program
84 licensed by the department and must report to the program for
85 supervision and education at least four times a year or more, as
86 required by the program, for the remainder of the revocation
87 period. The supervision shall include evaluation, education,
88 referral into treatment, and other activities required by the
89 department.
90 (c) The petitioner must assume the reasonable costs of
91 supervision. If the petitioner does not comply with the required
92 supervision, the program shall report the failure to the
93 department, and the department shall cancel such person's
94 driving privilege.
95 (d) If, after reinstatement, the petitioner is convicted of
96 an offense for which mandatory license revocation is required,
97 the department shall revoke his or her driving privilege.
98 (e) The department shall adopt rules regulating the
99 services provided by DUI programs pursuant to this section.

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100 (7) A person who has never had a driver license suspended
101 under s. 322.2615, has never been disqualified under s. 322.64,
102 has never been convicted of a violation of s. 316.193, has never
103 applied for a business purposes only license, as defined in this
104 section, whose driving privilege has been suspended pursuant to
105 this section may apply for a business purposes only driver
106 license without a hearing if the person meets the requirements
107 of this section and s. 322.291, and is otherwise eligible for a
108 driver license.
109 (a) For purposes of this subsection, a previous conviction
110 outside of this state for driving under the influence, driving
111 while intoxicated, driving with an unlawful blood-alcohol level,
112 or any other alcohol-related or drug-related traffic offense
113 similar to the offense of driving under the influence as
114 provided in s. 316.193 will be considered a previous conviction
115 for a violation of s. 316.193, and a conviction for violation of
116 former s. 316.028, former s. 316.1931, or former s. 860.01 is
117 considered a conviction for a violation of s. 316.193.
118 (b) The reinstatement shall be restricted to business
119 purposes only for the duration of the suspension imposed under
120 s. 322.2615.
121 (c) Acceptance of the reinstated driving privilege as
122 provided in this subsection is deemed a waiver of the right to
123 formal and informal review under s. 322.2615. The waiver may not
124 be used as evidence in any other proceeding.
125
126 ========== T I T L E A M E N D M E N T ==========
127 And the title is amended as follows:
128 Delete lines 329 - 332

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129 and insert:
130 320.08, 320.0847, 322.282, 324.023, 324.171, 324.191,
131 627.733, and 627.7415, F.S.; correcting cross-
132 references and conforming provisions to changes made
133 by the act; amending s. 322.271, F.S.; providing
134 procedures for certain persons who have no previous
135 convictions for certain alcohol-related driving
136 offenses to be issued a driver license for business
137 purposes only; providing an effective date.

By the Committee on Transportation; and Senator Brandes

596-02418-13 20131458c1

A bill to be entitled

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms “apportioned motor vehicle” and “apportionable vehicle”; providing legislative intent relating to road rage and traffic congestion; amending s. 316.003, F.S.; defining the term “road rage”; amending s. 316.083, F.S.; requiring that an operator of a motor vehicle yield the furthermost left-hand lane when being overtaken on a multilane highway; providing exceptions; reenacting s. 316.1923, F.S., relating to aggressive careless driving, to incorporate the amendments made to s. 316.083, F.S., in a reference thereto; requiring that the Department of Highway Safety and Motor Vehicles provide information about the act in driver license educational materials that are newly published on or after a specified date; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal

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regulations relating to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of a motor vehicle for refusal to pay penalty; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S.; authorizing the use of an electronic device to provide proof of insurance under the section; providing that displaying such information on an electronic device does not constitute consent for a law enforcement officer to access other information stored on the device; providing that the person displaying the device assumes the liability for any resulting damage to the device; requiring the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S., relating to disposition of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner’s permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons

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59 taking an unapproved course; providing criteria for
60 initial approval of courses; revising requirements for
61 assessment fees, courses, course certificates, and
62 course providers; directing the department to adopt
63 rules; creating s. 319.141, F.S.; establishing a pilot
64 rebuilt motor vehicle inspection program; providing
65 definitions; requiring the department to contract with
66 private vendors to establish and operate inspection
67 facilities in certain counties; providing minimum
68 requirements for applicants; requiring the department
69 to submit a report to the Legislature; providing for
70 future repeal; amending s. 319.225, F.S.; revising
71 provisions for certificates of title, reassignment of
72 title, and forms; revising procedures for transfer of
73 title; amending s. 319.23, F.S.; revising requirements
74 for content of certificates of title and applications
75 for title; amending s. 319.28, F.S.; revising
76 provisions for transfer of ownership by operation of
77 law when a motor vehicle or mobile home is
78 repossessed; removing provisions for a certificate of
79 repossession; amending s. 319.30, F.S.; defining the
80 terms "National Motor Vehicle Title Information
81 System," "nonrepairable vehicle," and "self-insured
82 entity," in connection with the dismantling,
83 destruction, change of identity of motor vehicles or
84 mobile homes, and the salvage of such vehicles;
85 providing for the department to declare certain
86 vehicles as nonrepairable and print a certificate of
87 destruction; permitting a licensed salvage motor

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88 vehicle dealer or a registered secondary metals
89 recycler to seek reimbursement for the purchase price
90 of a derelict vehicle from a lienholder and
91 prohibiting the recovery of any other costs; including
92 a self-insured motor vehicle or mobile home in the
93 existing framework for determining a total loss
94 vehicle; requiring a self-insured entity that is the
95 owner of a motor vehicle or mobile home that is
96 considered salvage to forward the title to the motor
97 vehicle or mobile home to the department for
98 processing within 72 hours after the motor vehicle or
99 mobile home becomes salvage; requiring an insurance
100 company that pays money as compensation for a salvaged
101 motor vehicle or mobile home to obtain the certificate
102 of title, and within 72 hours, forward the certificate
103 of title to the department for processing, and make
104 the required notification to the National Motor
105 Vehicle Title Information System; requiring a self-
106 insured entity to provide the department with an
107 estimate of the costs of repairing the physical and
108 mechanical damage suffered by the vehicle for which a
109 salvage certificate of title or certificate of
110 destruction is sought; requiring that a vehicle for
111 which a certificate of destruction is sought to
112 authorize the dismantling or destruction of the motor
113 vehicle or mobile home by a licensed salvage motor
114 vehicle dealer; requiring secondary metals recyclers
115 and salvage motor vehicle dealers to keep an original,
116 or a copy in the event the original was returned to

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117 the department, of proof of reporting to the National
118 Motor Vehicle Title Information System; requiring
119 secondary metals recyclers and salvage motor vehicle
120 dealers to make certain reports on a monthly basis;
121 requiring an independent entity to make notification
122 to the National Motor Vehicle Title Information System
123 before releasing any damaged or dismantled motor
124 vehicle to the owner or before applying for a
125 certificate of destruction or salvage certificate of
126 title; requiring all salvage motor vehicle dealers,
127 secondary metals recyclers, auctions, independent
128 entities, or self-insured entities that operate in
129 salvage motor vehicles to register with the National
130 Motor Vehicle Title Information System; amending s.
131 319.323, F.S., relating to expedited services of the
132 department; removing certificates of repossession;
133 amending s. 320.01, F.S.; removing the definition of
134 the term "apportioned motor vehicle"; revising the
135 definition of the term "apportionable motor vehicle";
136 amending s. 320.02, F.S.; revising requirements for
137 application for motor vehicle registration; amending
138 s. 320.03, F.S.; revising a provision for registration
139 under the International Registration Plan; amending s.
140 320.05, F.S.; revising provisions relating to record
141 inspection procedures and fees; deleting provisions
142 that permit certain public inspection of registration
143 records; deleting a provision allowing certain
144 businesses and professionals to obtain information by
145 telecommunication in certain circumstances; conforming

146 and clarifying a list of records that may be provided
147 by the department; amending s. 320.071, F.S.; revising
148 a provision for advance renewal of registration under
149 the International Registration Plan; amending s.
150 320.0715, F.S.; revising provisions for vehicles
151 required to be registered under the International
152 Registration Plan; amending s. 320.18, F.S.; providing
153 for withholding of motor vehicle or mobile home
154 registration when a coowner has failed to register the
155 motor vehicle or mobile home during a previous period
156 when such registration was required; providing for
157 cancelling a vehicle or vessel registration, driver
158 license, identification card, or fuel-use tax decal if
159 the coowner pays certain fees and other liabilities
160 with a dishonored check; amending s. 320.27, F.S.,
161 relating to motor vehicle dealers; providing for
162 extended periods for dealer licenses and supplemental
163 licenses; providing fees; amending s. 320.62, F.S.,
164 relating to manufacturers, distributors, and importers
165 of motor vehicles; providing for extended licensure
166 periods; providing fees; amending s. 320.77, F.S.,
167 relating to mobile home dealers; providing for
168 extended licensure periods; providing fees; amending
169 s. 320.771, F.S., relating to recreational vehicle
170 dealers; providing for extended licensure periods;
171 providing fees; amending s. 320.8225, F.S., relating
172 to mobile home and recreational vehicle manufacturers,
173 distributors, and importers; providing for extended
174 licensure periods; providing fees; amending s.

175 322.095, F.S.; requiring an applicant for a driver
176 license to complete a traffic law and substance abuse
177 education course; providing exceptions; revising
178 procedures for evaluation and approval of such
179 courses; revising criteria for such courses and the
180 schools conducting the courses; providing for
181 collection and disposition of certain fees; requiring
182 providers to maintain records; directing the
183 department to conduct effectiveness studies; requiring
184 a provider to cease offering a course that fails the
185 study; requiring courses to be updated at the request
186 of the department; providing a timeframe for course
187 length; prohibiting a provider from charging for a
188 completion certificate; requiring providers to
189 disclose certain information; requiring providers to
190 submit course completion information to the department
191 within a certain time period; prohibiting certain
192 acts; providing that the department shall not accept
193 certification from certain students; prohibiting a
194 person convicted of certain crimes from conducting
195 courses; directing the department to suspend course
196 approval for certain purposes; providing for the
197 department to deny, suspend, or revoke course approval
198 for certain acts; providing for administrative hearing
199 before final action denying, suspending, or revoking
200 course approval; providing penalties for violations;
201 amending s. 322.125, F.S.; revising criteria for
202 members of the Medical Advisory Board; amending s.
203 322.135, F.S.; removing a provision that authorizes a

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204 tax collector to direct certain licensees to the
205 department for examination or reexamination; amending
206 s. 322.18, F.S.; revising provisions for a vision test
207 required for driver license renewal for certain
208 drivers; amending s. 322.21, F.S.; providing a fee for
209 a commercial learner’s permit; amending s. 322.212,
210 F.S.; providing penalties for certain violations
211 involving application and testing for a commercial
212 driver license or a commercial learner’s permit;
213 amending s. 322.22, F.S.; authorizing the department
214 to withhold issuance or renewal of a driver license,
215 identification card, vehicle or vessel registration,
216 or fuel-use decal under certain circumstances;
217 amending s. 322.245, F.S.; requiring a depository or
218 clerk of court to electronically notify the department
219 of a person’s failure to pay support or comply with
220 directives of the court; amending s. 322.25, F.S.;
221 removing a provision for a court order to reinstate a
222 person’s driving privilege on a temporary basis when
223 the person’s license and driving privilege have been
224 revoked under certain circumstances; amending s.
225 322.2615, F.S., relating to review of a license
226 suspension when the driver had blood or breath alcohol
227 at a certain level or the driver refused a test of his
228 or her blood or breath to determine the alcohol level;
229 revising provisions for informal and formal reviews;
230 providing for the hearing officer to be designated by
231 the department; authorizing the hearing officer to
232 conduct hearings using telecommunications technology;

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233 revising procedures for enforcement of subpoenas;
234 amending s. 322.2616, F.S., relating to review of a
235 license suspension when the driver is under 21 years
236 of age and had blood or breath alcohol at a certain
237 level; revising provisions for informal and formal
238 reviews; providing for the hearing officer to be
239 designated by the department; authorizing the hearing
240 officer to conduct hearings using telecommunications
241 technology; revising procedures for enforcement of
242 subpoenas; amending s. 322.64, F.S., relating to
243 driving with unlawful blood-alcohol level or refusal
244 to submit to breath, urine, or blood test by a
245 commercial driver license holder or person driving a
246 commercial motor vehicle; providing that a
247 disqualification from driving a commercial motor
248 vehicle is considered a conviction for certain
249 purposes; revising the time period a person is
250 disqualified from driving for alcohol-related
251 violations; revising requirements for notice of the
252 disqualification; providing that under the review of a
253 disqualification the hearing officer shall consider
254 the crash report; revising provisions for informal and
255 formal reviews; providing for the hearing officer to
256 be designated by the department; authorizing the
257 hearing officer to conduct hearings using
258 telecommunications technology; revising procedures for
259 enforcement of subpoenas; directing the department to
260 issue a temporary driving permit or invalidate the
261 suspension under certain circumstances; providing for

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262 construction of specified provisions; amending s.
263 322.2715, F.S.; providing requirements for issuance of
264 a restricted license for a person convicted of a DUI
265 offense if a medical waiver of placement of an
266 ignition interlock device was given to such person;
267 amending s. 322.28, F.S., relating to revocation of
268 driver license for convictions of DUI offenses;
269 providing that convictions occurring on the same date
270 for offenses occurring on separate dates are
271 considered separate convictions; removing a provision
272 relating to a court order for reinstatement of a
273 revoked license; repealing s. 322.331, F.S., relating
274 to habitual traffic offenders; amending s. 322.61,
275 F.S.; revising provisions for disqualification from
276 operating a commercial motor vehicle; providing for
277 application of such provisions to persons holding a
278 commercial learner's permit; revising the offenses for
279 which certain disqualifications apply; amending s.
280 324.0221, F.S.; revising the actions which must be
281 reported to the department by an insurer that has
282 issued a policy providing personal injury protection
283 coverage or property damage liability coverage;
284 revising time allowed for submitting the report;
285 amending s. 324.031, F.S.; revising the methods a
286 vehicle owner or operator may use to prove financial
287 responsibility; removing a provision for posting a
288 bond with the department; amending s. 324.091, F.S.;
289 revising provisions requiring motor vehicle owners and
290 operators to provide evidence to the department of

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291 liability insurance coverage under certain
292 circumstances; revising provisions for verification by
293 insurers of such evidence; amending s. 324.161, F.S.;
294 providing requirements for issuance of a certificate
295 of insurance; requiring proof of a certificate of
296 deposit of a certain amount of money in a financial
297 institution; providing for power of attorney to be
298 issued to the department for execution under certain
299 circumstances; amending s. 328.01, F.S., relating to
300 vessel titles; revising identification requirements
301 for applications for a certificate of title; amending
302 s. 328.48, F.S., relating to vessel registration;
303 revising identification requirements for applications
304 for vessel registration; amending s. 328.76, F.S.,
305 relating to vessel registration funds; revising
306 provisions for funds to be deposited into the Highway
307 Safety Operating Trust Fund; amending s. 713.585,
308 F.S.; requiring that a lienholder check the National
309 Motor Vehicle Title Information System or the records
310 of any corresponding agency of any other state before
311 enforcing a lien by selling the motor vehicle;
312 requiring the lienholder to notify the local law
313 enforcement agency in writing by certified mail
314 informing the law enforcement agency that the
315 lienholder has made a good faith effort to locate the
316 owner or lienholder; specifying that a good faith
317 effort includes a check of the Department of Highway
318 Safety and Motor Vehicles database records and the
319 National Motor Vehicle Title Information System;

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320 setting requirements for notification of the sale of
321 the vehicle as a way to enforce a lien; requiring the
322 lienholder to publish notice; requiring the lienholder
323 to keep a record of proof of checking the National
324 Motor Vehicle Title Information System; amending s.
325 713.78, F.S.; revising provisions for enforcement of a
326 lien for recovering, towing, or storing a vehicle or
327 vessel; amending ss. 212.08, 261.03, 316.2122,
328 316.2124, 316.21265, 316.3026, 316.550, 317.0003,
329 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171,
330 324.191, 627.733, and 627.7415, F.S.; correcting
331 cross-references and conforming provisions to changes
332 made by the act; providing an effective date.
333
334 Be It Enacted by the Legislature of the State of Florida:
335
336 Section 1. Section 207.002, Florida Statutes, is reordered
337 and amended to read:
338 207.002 Definitions.—As used in this chapter, the term:
339 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
340 ~~which is required to be registered under the International~~
341 ~~Registration Plan.~~
342 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not
343 owned or operated by a governmental entity which uses diesel
344 fuel or motor fuel on the public highways; and which has a gross
345 vehicle weight in excess of 26,000 pounds, or has three or more
346 axles regardless of weight, or is used in combination when the
347 weight of such combination exceeds 26,000 pounds gross vehicle
348 weight. The term excludes any vehicle owned or operated by a

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349 community transportation coordinator as defined in s. 427.011 or
350 by a private operator that provides public transit services
351 under contract with such a provider.
352 (2)~~(3)~~ "Department" means the Department of Highway Safety
353 and Motor Vehicles.
354 (7)~~(4)~~ "Motor carrier" means any person owning,
355 controlling, operating, or managing any motor vehicle used to
356 transport persons or property over any public highway.
357 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
358 as gasoline and fuels containing a mixture of gasoline and other
359 products.
360 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"
361 means and includes the utilization in any form of any commercial
362 motor vehicle, whether loaded or empty, whether utilized for
363 compensation or not for compensation, and whether owned by or
364 leased to the motor carrier who uses it or causes it to be used.
365 (10)~~(7)~~ "Person" means and includes natural persons,
366 corporations, copartnerships, firms, companies, agencies, or
367 associations, singular or plural.
368 (11)~~(8)~~ "Public highway" means any public street, road, or
369 highway in this state.
370 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
371 product or combination thereof, including, but not limited to,
372 all forms of fuel known or sold as diesel fuel, kerosene, butane
373 gas, or propane gas and all other forms of liquefied petroleum
374 gases, except those defined as "motor fuel," used to propel a
375 motor vehicle.
376 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of
377 diesel fuel or motor fuel in a commercial motor vehicle for the

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378 propulsion thereof.
379 (4)~~(11)~~ "International Registration Plan" means a
380 registration reciprocity agreement among states of the United
381 States and provinces of Canada providing for payment of license
382 fees or license taxes on the basis of fleet miles operated in
383 various jurisdictions.
384 ~~(12) "Apportionable vehicle" means any vehicle, except a~~
385 ~~recreational vehicle, a vehicle displaying restricted plates, a~~
386 ~~municipal pickup and delivery vehicle, a bus used in~~
387 ~~transportation of chartered parties, and a government owned~~
388 ~~vehicle, which is used or intended for use in two or more states~~
389 ~~of the United States or provinces of Canada that allocate or~~
390 ~~proportionally register vehicles and which is used for the~~
391 ~~transportation of persons for hire or is designed, used, or~~
392 ~~maintained primarily for the transportation of property and:~~
393 ~~(a) Is a power unit having a gross vehicle weight in excess~~
394 ~~of 26,000 pounds;~~
395 ~~(b) Is a power unit having three or more axles, regardless~~
396 ~~of weight; or~~
397 ~~(c) Is used in combination, when the weight of such~~
398 ~~combination exceeds 26,000 pounds gross vehicle weight.~~
399 (5)~~(13)~~ "Interstate" means vehicle movement between or
400 through two or more states.
401 (6)~~(14)~~ "Intrastate" means vehicle movement from one point
402 within a state to another point within the same state.
403 (12)~~(15)~~ "Registrant" means a person in whose name or names
404 a vehicle is properly registered.
405 Section 2. The intent of the Legislature is to reduce road
406 rage and traffic congestion by reducing the incidence of crashes

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407 and drivers' interferences with the movement of traffic and by
408 promoting the orderly, free flow of traffic on the roads and
409 highways of the state.
410 Section 3. Subsection (91) is added to section 316.003,
411 Florida Statutes, to read:
412 316.003 Definitions.—The following words and phrases, when
413 used in this chapter, shall have the meanings respectively
414 ascribed to them in this section, except where the context
415 otherwise requires:
416 (91) ROAD RAGE.—The act of a driver or passenger to
417 intentionally or unintentionally, due to a loss of emotional
418 control, injure or kill another driver, passenger, bicyclist, or
419 pedestrian, or to attempt or threaten to injure or kill another
420 driver, passenger, bicyclist, or pedestrian.
421 Section 4. Present subsection (3) of section 316.083,
422 Florida Statutes, is redesignated as subsection (4), and a new
423 subsection (3) is added to that section, to read:
424 316.083 Overtaking and passing a vehicle.—The following
425 rules shall govern the overtaking and passing of vehicles
426 proceeding in the same direction, subject to those limitations,
427 exceptions, and special rules hereinafter stated:
428 (3)(a) On a road, street, or highway having two or more
429 lanes that allow movement in the same direction, a driver may
430 not continue to operate a motor vehicle in the furthermost left-
431 hand lane if the driver knows, or reasonably should know, that
432 he or she is being overtaken in that lane from the rear by a
433 motor vehicle traveling at a higher rate of speed.
434 (b) Paragraph (a) does not apply to a driver operating a
435 motor vehicle in the furthermost left-hand lane if:

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436 1. The driver is in the process of overtaking a slower
437 motor vehicle in the adjacent right-hand lane for the purpose of
438 passing the slower vehicle before moving to the adjacent right-
439 hand lane;
440 2. Conditions preclude the driver from moving to the
441 adjacent right-hand lane;
442 3. The driver's movement to the adjacent right-hand lane
443 could endanger the driver or other drivers;
444 4. The driver is directed by a law enforcement officer,
445 road sign, or road crew to remain in the furthermost left-hand
446 lane;
447 5. The driver is preparing to make a left turn; or
448 6. The driver is traveling at a speed not less than 10
449 miles per hour under the posted speed limit.
450 Section 5. For the purpose of incorporating the amendment
451 made by this act to section 316.083, Florida Statutes, in a
452 reference thereto, section 316.1923, Florida Statutes, is
453 reenacted to read:
454 316.1923 Aggressive careless driving.—"Aggressive careless
455 driving" means committing two or more of the following acts
456 simultaneously or in succession:
457 (1) Exceeding the posted speed as defined in s.
458 322.27(3)(d)5.b.
459 (2) Unsafely or improperly changing lanes as defined in s.
460 316.085.
461 (3) Following another vehicle too closely as defined in s.
462 316.0895(1).
463 (4) Failing to yield the right-of-way as defined in s.
464 316.079, s. 316.0815, or s. 316.123.

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465 (5) Improperly passing as defined in s. 316.083, s.
466 316.084, or s. 316.085.
467 (6) Violating traffic control and signal devices as defined
468 in ss. 316.074 and 316.075.
469 Section 6. The Department of Highway Safety and Motor
470 Vehicles shall provide information about the Florida Highway
471 Safety Act in all driver license educational materials printed
472 on or after October 1, 2013.
473 Section 7. Subsection (1) of section 316.1937, Florida
474 Statutes, is amended to read:
475 316.1937 Ignition interlock devices, requiring; unlawful
476 acts.—
477 (1) In addition to any other authorized penalties, the
478 court may require that any person who is convicted of driving
479 under the influence in violation of s. 316.193 shall not operate
480 a motor vehicle unless that vehicle is equipped with a
481 functioning ignition interlock device certified by the
482 department as provided in s. 316.1938, and installed in such a
483 manner that the vehicle will not start if the operator's blood
484 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
485 specified by the court. The court may require the use of an
486 approved ignition interlock device for a period of at least ~~not~~
487 ~~less than~~ 6 continuous months, if the person is permitted to
488 operate a motor vehicle, whether or not the privilege to operate
489 a motor vehicle is restricted, as determined by the court. The
490 court, however, shall order placement of an ignition interlock
491 device in those circumstances required by s. 316.193.
492 Section 8. Paragraph (b) of subsection (1), paragraph (a)
493 of subsection (4), and subsection (9) of section 316.302,

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494 Florida Statutes, are amended to read:
495 316.302 Commercial motor vehicles; safety regulations;
496 transporters and shippers of hazardous materials; enforcement.—
497 (1)
498 (b) Except as otherwise provided in this section, all
499 owners or drivers of commercial motor vehicles that are engaged
500 in intrastate commerce are subject to the rules and regulations
501 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with
502 the exception of 49 C.F.R. s. 390.5 as it relates to the
503 definition of bus, as such rules and regulations existed on
504 December 31, 2012 ~~October 1, 2011~~.
505 (4)(a) Except as provided in this subsection, all
506 commercial motor vehicles transporting any hazardous material on
507 any road, street, or highway open to the public, whether engaged
508 in interstate or intrastate commerce, and any person who offers
509 hazardous materials for such transportation, are subject to the
510 regulations contained in 49 C.F.R. part 107, subparts F and
511 ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
512 Effective July 1, 1997, the exceptions for intrastate motor
513 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
514 adopted.
515 (9)~~(a) This section is not applicable to the transporting~~
516 ~~of liquefied petroleum gas. The rules and regulations applicable~~
517 ~~to the transporting of liquefied petroleum gas on the highways,~~
518 ~~roads, or streets of this state shall be only those adopted by~~
519 ~~the Department of Agriculture and Consumer Services under~~
520 ~~chapter 527. However, transporters of liquefied petroleum gas~~
521 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
522 ~~396.9.~~

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523 ~~(b)~~ This section does not apply to any nonpublic sector
524 bus.
525 Section 9. Paragraph (b) of subsection (3) and subsection
526 (5) of section 316.3025, Florida Statutes, are amended to read:
527 316.3025 Penalties.—
528 (3)
529 (b) A civil penalty of $100 may be assessed for:
530 1. Each violation of the North American Uniform Driver Out-
531 of-Service Criteria;
532 2. A violation of s. 316.302(2)(b) or (c);
533 3. A violation of 49 C.F.R. s. 392.60; ~~or~~
534 4. A violation of the North American Standard Vehicle Out-
535 of-Service Criteria resulting from an inspection of a commercial
536 motor vehicle involved in a crash; or
537 5. A violation of 49 C.F.R. s. 391.41.
538 (5) Whenever any person or motor carrier as defined in
539 chapter 320 violates the provisions of this section and becomes
540 indebted to the state because of such violation and refuses to
541 pay the appropriate penalty, in addition to the provisions of s.
542 316.3026, such penalty becomes a lien upon the property
543 including the motor vehicles of such person or motor carrier and
544 may be seized and foreclosed by the state in a civil action in
545 any court of this state. It shall be presumed that the owner of
546 the motor vehicle is liable for the sum, and the vehicle may be
547 detained or impounded until the penalty is paid.
548 Section 10. Subsection (3) of section 316.545, Florida
549 Statutes, is amended to read:
550 316.545 Weight and load unlawful; special fuel and motor
551 fuel tax enforcement; inspection; penalty; review.—

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552 (3) Any person who violates the overloading provisions of
553 this chapter shall be conclusively presumed to have damaged the
554 highways of this state by reason of such overloading, which
555 damage is hereby fixed as follows:
556 (a) When the excess weight is 200 pounds or less than the
557 maximum herein provided, the penalty shall be $10;
558 (b) Five cents per pound for each pound of weight in excess
559 of the maximum herein provided when the excess weight exceeds
560 200 pounds. However, whenever the gross weight of the vehicle or
561 combination of vehicles does not exceed the maximum allowable
562 gross weight, the maximum fine for the first 600 pounds of
563 unlawful axle weight shall be $10;
564 (c) For a vehicle equipped with fully functional idle-
565 reduction technology, any penalty shall be calculated by
566 reducing the actual gross vehicle weight or the internal bridge
567 weight by the certified weight of the idle-reduction technology
568 or by 400 pounds, whichever is less. The vehicle operator must
569 present written certification of the weight of the idle-
570 reduction technology and must demonstrate or certify that the
571 idle-reduction technology is fully functional at all times. This
572 calculation is not allowed for vehicles described in s.
573 316.535(6);
574 (d) An apportionable ~~apportioned motor~~ vehicle, as defined
575 in s. 320.01, operating on the highways of this state without
576 being properly licensed and registered shall be subject to the
577 penalties as ~~herein~~ provided in this section; and
578 (e) Vehicles operating on the highways of this state from
579 nonmember International Registration Plan jurisdictions which
580 are not in compliance with the provisions of s. 316.605 shall be

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581 subject to the penalties as herein provided.
582 Section 11. Subsection (1) of section 316.646, Florida
583 Statutes, is amended, and subsection (5) is added to that
584 section, to read:
585 316.646 Security required; proof of security and display
586 thereof; dismissal of cases.—
587 (1) Any person required by s. 324.022 to maintain property
588 damage liability security, required by s. 324.023 to maintain
589 liability security for bodily injury or death, or required by s.
590 627.733 to maintain personal injury protection security on a
591 motor vehicle shall have in his or her immediate possession at
592 all times while operating such motor vehicle proper proof of
593 maintenance of the required security.
594 (a) Such proof shall be in a uniform paper or electronic
595 format, as ~~proof of insurance card in a form~~ prescribed by the
596 department, a valid insurance policy, an insurance policy
597 binder, a certificate of insurance, or such other proof as may
598 be prescribed by the department.
599 (b)1. The act of presenting to a law enforcement officer an
600 electronic device displaying proof of insurance in an electronic
601 format does not constitute consent for the officer to access any
602 information on the device other than the displayed proof of
603 insurance.
604 2. The person who presents the device to the officer
605 assumes the liability for any resulting damage to the device.
606 (5) The department shall adopt rules to administer this
607 section.
608 Section 12. Section 317.0016, Florida Statutes, is amended
609 to read:

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610 317.0016 Expedited service; applications; fees.—The
611 department shall provide, through its agents and for use by the
612 public, expedited service on title transfers, title issuances,
613 duplicate titles, and recordation of liens~~, and certificates of~~
614 ~~repossession~~. A fee of $7 shall be charged for this service,
615 which is in addition to the fees imposed by ss. 317.0007 and
616 317.0008, and $3.50 of this fee shall be retained by the
617 processing agency. All remaining fees shall be deposited in the
618 Incidental Trust Fund of the Florida Forest Service of the
619 Department of Agriculture and Consumer Services. Application for
620 expedited service may be made by mail or in person. The
621 department shall issue each title applied for pursuant to this
622 section within 5 working days after receipt of the application
623 except for an application for a duplicate title certificate
624 covered by s. 317.0008(3), in which case the title must be
625 issued within 5 working days after compliance with the
626 department's verification requirements.
627 Section 13. Subsections (9) and (10) of section 318.14,
628 Florida Statutes, are amended to read:
629 318.14 Noncriminal traffic infractions; exception;
630 procedures.—
631 (9) Any person who does not hold a commercial driver
632 license or commercial learner's permit and who is cited while
633 driving a noncommercial motor vehicle for an infraction under
634 this section other than a violation of s. 316.183(2), s.
635 316.187, or s. 316.189 when the driver exceeds the posted limit
636 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
637 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
638 lieu of a court appearance, elect to attend in the location of

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639 his or her choice within this state a basic driver improvement
640 course approved by the Department of Highway Safety and Motor
641 Vehicles. In such a case, adjudication must be withheld and
642 points, as provided by s. 322.27, may not be assessed. However,
643 a person may not make an election under this subsection if the
644 person has made an election under this subsection in the
645 preceding 12 months. A person may not make more than five
646 elections within his or her lifetime under this subsection. The
647 requirement for community service under s. 318.18(8) is not
648 waived by a plea of nolo contendere or by the withholding of
649 adjudication of guilt by a court. If a person makes an election
650 to attend a basic driver improvement course under this
651 subsection, 18 percent of the civil penalty imposed under s.
652 318.18(3) shall be deposited in the State Courts Revenue Trust
653 Fund; however, that portion is not revenue for purposes of s.
654 28.36 and may not be used in establishing the budget of the
655 clerk of the court under that section or s. 28.35.
656 (10)(a) Any person who does not hold a commercial driver
657 license or commercial learner's permit and who is cited while
658 driving a noncommercial motor vehicle for an offense listed
659 under this subsection may, in lieu of payment of fine or court
660 appearance, elect to enter a plea of nolo contendere and provide
661 proof of compliance to the clerk of the court, designated
662 official, or authorized operator of a traffic violations bureau.
663 In such case, adjudication shall be withheld; however, a person
664 may not make an election under this subsection if the person has
665 made an election under this subsection in the preceding 12
666 months. A person may not make more than three elections under
667 this subsection. This subsection applies to the following

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668 offenses:
669 1. Operating a motor vehicle without a valid driver license
670 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
671 operating a motor vehicle with a license that has been suspended
672 for failure to appear, failure to pay civil penalty, or failure
673 to attend a driver improvement course pursuant to s. 322.291.
674 2. Operating a motor vehicle without a valid registration
675 in violation of s. 320.0605, s. 320.07, or s. 320.131.
676 3. Operating a motor vehicle in violation of s. 316.646.
677 4. Operating a motor vehicle with a license that has been
678 suspended under s. 61.13016 or s. 322.245 for failure to pay
679 child support or for failure to pay any other financial
680 obligation as provided in s. 322.245; however, this subparagraph
681 does not apply if the license has been suspended pursuant to s.
682 322.245(1).
683 5. Operating a motor vehicle with a license that has been
684 suspended under s. 322.091 for failure to meet school attendance
685 requirements.
686 (b) Any person cited for an offense listed in this
687 subsection shall present proof of compliance before the
688 scheduled court appearance date. For the purposes of this
689 subsection, proof of compliance shall consist of a valid,
690 renewed, or reinstated driver license or registration
691 certificate and proper proof of maintenance of security as
692 required by s. 316.646. Notwithstanding waiver of fine, any
693 person establishing proof of compliance shall be assessed court
694 costs of $25, except that a person charged with violation of s.
695 316.646(1)-(3) may be assessed court costs of $8. One dollar of
696 such costs shall be remitted to the Department of Revenue for

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697 deposit into the Child Welfare Training Trust Fund of the
698 Department of Children and Family Services. One dollar of such
699 costs shall be distributed to the Department of Juvenile Justice
700 for deposit into the Juvenile Justice Training Trust Fund.
701 Fourteen dollars of such costs shall be distributed to the
702 municipality and $9 shall be deposited by the clerk of the court
703 into the fine and forfeiture fund established pursuant to s.
704 142.01, if the offense was committed within the municipality. If
705 the offense was committed in an unincorporated area of a county
706 or if the citation was for a violation of s. 316.646(1)-(3), the
707 entire amount shall be deposited by the clerk of the court into
708 the fine and forfeiture fund established pursuant to s. 142.01,
709 except for the moneys to be deposited into the Child Welfare
710 Training Trust Fund and the Juvenile Justice Training Trust
711 Fund. This subsection does not authorize the operation of a
712 vehicle without a valid driver license, without a valid vehicle
713 tag and registration, or without the maintenance of required
714 security.
715 Section 14. Section 318.1451, Florida Statutes, is amended
716 to read:
717 318.1451 Driver improvement schools.—
718 (1)~~(a)~~ The department ~~of Highway Safety and Motor Vehicles~~
719 shall approve and regulate the courses of all driver improvement
720 schools, as the courses relate to ss. 318.14(9), 322.0261, and
721 322.291, including courses that use technology as a delivery
722 method. ~~The chief judge of the applicable judicial circuit may~~
723 ~~establish requirements regarding the location of schools within~~
724 ~~the judicial circuit. A person may engage in the business of~~
725 ~~operating a driver improvement school that offers department-~~

726 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
727 ~~322.291.~~
728 ~~(b) The Department of Highway Safety and Motor Vehicles~~
729 ~~shall approve and regulate courses that use technology as the~~
730 ~~delivery method of all driver improvement schools as the courses~~
731 ~~relate to ss. 318.14(9) and 322.0261.~~
732 (2)(a) In determining whether to approve the courses
733 referenced in this section, the department shall consider course
734 content designed to promote safety, driver awareness, crash
735 avoidance techniques, and other factors or criteria to improve
736 driver performance from a safety viewpoint, including promoting
737 motorcyclist, bicyclist, and pedestrian safety and risk factors
738 resulting from driver attitude and irresponsible driver
739 behaviors, such as speeding, running red lights and stop signs,
740 and using electronic devices while driving. Initial approval of
741 the courses shall also be based on the department's review of
742 all course materials, course presentation to the department by
743 the provider, and the provider's plan for effective oversight of
744 the course by those who deliver the course in the state. New
745 courses shall be provisionally approved and limited to the
746 judicial circuit originally approved for pilot testing until the
747 course is fully approved by the department for statewide
748 delivery.
749 (b) In determining whether to approve courses of driver
750 improvement schools that use technology as the delivery method
751 as the courses relate to ss. 318.14(9) and 322.0261, the
752 department shall consider only those courses submitted by a
753 person, business, or entity which have approval for statewide
754 delivery.

755 (3) The department ~~of Highway Safety and Motor Vehicles~~
756 shall not accept ~~suspend accepting~~ proof of attendance of
757 courses from persons who attend those schools that do not teach
758 an approved course. ~~In those circumstances, a person who has~~
759 ~~elected to take courses from such a school shall receive a~~
760 ~~refund from the school, and the person shall have the~~
761 ~~opportunity to take the course at another school.~~
762 (4) In addition to a regular course fee, an assessment fee
763 in the amount of $2.50 shall be collected by the school from
764 each person who elects to attend a course, as it relates to ss.
765 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
766 must remit the $2.50 assessment fee to the department for
767 deposit into~~, which shall be remitted to the Department of~~
768 ~~Highway Safety and Motor Vehicles and deposited in~~ the Highway
769 Safety Operating Trust Fund in order to receive unique course
770 completion certificate numbers for course participants. The
771 assessment fee will be used to administer this program and to
772 fund the general operations of the department.
773 (5)(a) The department is authorized to maintain the
774 information and records necessary to administer its duties and
775 responsibilities for driver improvement courses. Course
776 providers are required to maintain all records related to the
777 conduct of their approved courses for 5 years and allow the
778 department to inspect course records as necessary. Records may
779 be maintained in an electronic format. If ~~Where~~ such information
780 is a public record as defined in chapter 119, it shall be made
781 available to the public upon request pursuant to s. 119.07(1).
782 (b) The department or court may prepare a traffic school
783 reference guide which lists the benefits of attending a driver

784 improvement school and contains the names of the fully approved
785 course providers with a single telephone number for each
786 provider as furnished by the provider.
787 (6) The department shall adopt rules establishing and
788 maintaining policies and procedures to implement the
789 requirements of this section. These policies and procedures may
790 include, but shall not be limited to, the following:
791 (a) *Effectiveness studies.*—The department shall conduct
792 effectiveness studies on each type of driver improvement course
793 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a
794 recurring 5-year basis, including in the study process the
795 consequence of failed studies.
796 (b) *Required updates.*—The department may require that
797 courses approved under this section be updated at the
798 department's request. Failure of a course provider to update the
799 course under this section shall result in the suspension of the
800 course approval until the course is updated and approved by the
801 department.
802 (c) *Course conduct.*—The department shall require that the
803 approved course providers ensure their driver improvement
804 schools are conducting the approved course fully and to the
805 required time limit and content requirements.
806 (d) *Course content.*—The department shall set and modify
807 course content requirements to keep current with laws and safety
808 information. Course content includes all items used in the
809 conduct of the course.
810 (e) *Course duration.*—The department shall set the duration
811 of all course types.
812 (f) *Submission of records.*—The department shall require

813 that all course providers submit course completion information
814 to the department through the department's Driver Improvement
815 Certificate Issuance System within 5 days.
816 (g) *Sanctions.*—The department shall develop the criteria to
817 sanction the course approval of a course provider for any
818 violation of this section or any other law that pertains to the
819 approval and use of driver improvement courses.
820 (h) *Miscellaneous requirements.*—The department shall
821 require that all course providers:
822 1. Disclose all fees associated with courses offered by the
823 provider and associated driver improvement schools and not
824 charge any fees that are not disclosed during registration.
825 2. Provide proof of ownership, copyright, or written
826 permission from the course owner to use the course in this
827 state.
828 3. Ensure that any course that is offered in a classroom
829 setting, by the provider or a school authorized by the provider
830 to teach the course, is offered the course at locations that are
831 free from distractions and reasonably accessible to most
832 applicants.
833 4. Issue a certificate to persons who successfully complete
834 the course.
835 Section 15. Section 319.141, Florida Statutes, is created
836 to read:
837 319.141 Pilot rebuilt motor vehicle inspection program.—
838 (1) As used in this section, the term:
839 (a) "Facility" means a rebuilt motor vehicle inspection
840 facility authorized and operating under this section.
841 (b) "Rebuilt inspection" means an examination of a rebuilt

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842 vehicle and a properly endorsed certificate of title, salvage
843 certificate of title, or manufacturer's statement of origin and
844 an application for a rebuilt certificate of title, a rebuilder's
845 affidavit, a photograph of the junk or salvage vehicle taken
846 before repairs began, receipts or invoices for all major
847 component parts, as defined in s. 319.30, which were changed,
848 and proof that notice of rebuilding of the vehicle has been
849 reported to the National Motor Vehicle Title Information System.
850 (2) By October 1, 2013, the department shall implement a
851 pilot program in Miami-Dade and Hillsborough Counties to
852 evaluate alternatives for rebuilt inspection services to be
853 offered by the private sector, including the feasibility of
854 using private facilities, the cost impact to consumers, and the
855 potential savings to the department.
856 (3) The department shall establish a memorandum of
857 understanding that allows private parties participating in the
858 pilot program to conduct rebuilt motor vehicle inspections and
859 specifies requirements for oversight, bonding and insurance,
860 procedures, and forms and requires the electronic transmission
861 of documents.
862 (4) Before an applicant is approved, the department shall
863 ensure that the applicant meets basic criteria designed to
864 protect the public. At a minimum, the applicant shall:
865 (a) Have and maintain a surety bond or irrevocable letter
866 of credit in the amount of $50,000 executed by the applicant.
867 (b) Have and maintain garage liability and other insurance
868 required by the department.
869 (c) Have completed criminal background checks of the
870 owners, partners, and corporate officers and the inspectors

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871 employed by the facility.
872 (d) Meet any additional criteria the department determines
873 necessary to conduct proper inspections.
874 (5) A participant in the program shall access vehicle and
875 title information and enter inspection results through an
876 electronic filing system authorized by the department.
877 (6) The department shall submit a report to the President
878 of the Senate and the Speaker of the House of Representatives
879 providing the results of the pilot program by February 1, 2015.
880 (7) This section shall stand repealed on July 1, 2015,
881 unless saved from repeal through reenactment by the
882 Legislature.
883 Section 16. Section 319.225, Florida Statutes, is amended
884 to read:
885 319.225 Transfer and reassignment forms; odometer
886 disclosure statements.—
887 (1) Every certificate of title issued by the department
888 must contain the following statement on its reverse side:
889 "Federal and state law require the completion of the odometer
890 statement set out below. Failure to complete or providing false
891 information may result in fines, imprisonment, or both."
892 (2) Each certificate of title issued by the department must
893 contain on its front ~~reverse~~ side a form for transfer of title
894 by the titleholder of record, which form must contain an
895 odometer disclosure statement in the form required by 49 C.F.R.
896 s. 580.5.
897 (3) Each certificate of title issued by the department must
898 contain on its reverse side as many forms as space allows for
899 reassignment of title by a licensed dealer as permitted by s.

900 319.21(3), which form or forms shall contain an odometer
901 disclosure statement in the form required by 49 C.F.R. s. 580.5.
902 When all dealer reassignment forms provided on the back of the
903 title certificate have been filled in, a dealer may reassign the
904 title certificate by using a separate dealer reassignment form
905 issued by the department in compliance with 49 C.F.R. ss. 580.4
906 and 580.5, which form shall contain an original that ~~two carbon~~
907 ~~copies one of which~~ shall be submitted ~~directly~~ to the
908 department by the dealer ~~within 5 business days after the~~
909 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
910 dealer in his or her records for 5 years. The provisions of this
911 subsection shall also apply to vehicles not previously titled in
912 this state and vehicles whose title certificates do not contain
913 the forms required by this section.
914 (4) Upon transfer or reassignment of a certificate of title
915 to a used motor vehicle, the transferor shall complete the
916 odometer disclosure statement provided for by this section and
917 the transferee shall acknowledge the disclosure by signing and
918 printing his or her name in the spaces provided. This subsection
919 does not apply to a vehicle that has a gross vehicle rating of
920 more than 16,000 pounds, a vehicle that is not self-propelled,
921 or a vehicle that is 10 years old or older. A lessor who
922 transfers title to his or her vehicle without obtaining
923 possession of the vehicle shall make odometer disclosure as
924 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
925 or acknowledge a disclosure statement as required by this
926 subsection is guilty of a misdemeanor of the second degree,
927 punishable as provided in s. 775.082 or s. 775.083. The
928 department may not issue a certificate of title unless this

929 subsection has been complied with.
930 (5) The same person may not sign a disclosure statement as
931 both the transferor and the transferee in the same transaction
932 except as provided in subsection (6).
933 (6)(a) If the certificate of title is physically held by a
934 lienholder, the transferor may give a power of attorney to his
935 or her transferee for the purpose of odometer disclosure. The
936 power of attorney must be on a form issued or authorized by the
937 department, which form must be in compliance with 49 C.F.R. ss.
938 580.4 and 580.13. The department shall not require the signature
939 of the transferor to be notarized on the form; however, in lieu
940 of notarization, the form shall include an affidavit with the
941 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
942 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
943 ARE TRUE. The transferee shall sign the power of attorney form,
944 print his or her name, and return a copy of the power of
945 attorney form to the transferor. Upon receipt of a title
946 certificate, the transferee shall complete the space for mileage
947 disclosure on the title certificate exactly as the mileage was
948 disclosed by the transferor on the power of attorney form. If
949 the transferee is a licensed motor vehicle dealer who is
950 transferring the vehicle to a retail purchaser, the dealer shall
951 make application on behalf of the retail purchaser as provided
952 in s. 319.23(6) and shall submit the original power of attorney
953 form to the department with the application for title and the
954 transferor's title certificate; otherwise, a dealer may reassign
955 the title certificate by using the dealer reassignment form in
956 the manner prescribed in subsection (3), and, at the time of
957 physical transfer of the vehicle, the original power of attorney

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958 shall be delivered to the person designated as the transferee of
959 the dealer on the dealer reassignment form. ~~A copy of the~~
960 ~~executed power of attorney shall be submitted to the department~~
961 ~~with a copy of the executed dealer reassignment form within 5~~
962 ~~business days after the certificate of title and dealer~~
963 ~~reassignment form are delivered by the dealer to its transferee.~~
964 (b) If the certificate of title is lost or otherwise
965 unavailable, the transferor may give a power of attorney to his
966 or her transferee for the purpose of odometer disclosure. The
967 power of attorney must be on a form issued or authorized by the
968 department, which form must be in compliance with 49 C.F.R. ss.
969 580.4 and 580.13. The department shall not require the signature
970 of the transferor to be notarized on the form; however, in lieu
971 of notarization, the form shall include an affidavit with the
972 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
973 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
974 ARE TRUE. The transferee shall sign the power of attorney form,
975 print his or her name, and return a copy of the power of
976 attorney form to the transferor. Upon receipt of the title
977 certificate or a duplicate title certificate, the transferee
978 shall complete the space for mileage disclosure on the title
979 certificate exactly as the mileage was disclosed by the
980 transferor on the power of attorney form. If the transferee is a
981 licensed motor vehicle dealer who is transferring the vehicle to
982 a retail purchaser, the dealer shall make application on behalf
983 of the retail purchaser as provided in s. 319.23(6) and shall
984 submit the original power of attorney form to the department
985 with the application for title and the transferor's title
986 certificate or duplicate title certificate; otherwise, a dealer

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987 may reassign the title certificate by using the dealer
988 reassignment form in the manner prescribed in subsection (3),
989 and, at the time of physical transfer of the vehicle, the
990 original power of attorney shall be delivered to the person
991 designated as the transferee of the dealer on the dealer
992 reassignment form. If the dealer sells the vehicle to an out-of-
993 state resident or an out-of-state dealer and the power of
994 attorney form is applicable to the transaction, the dealer must
995 photocopy the completed original of the form and mail it
996 directly to the department within 5 business days after the
997 certificate of title and dealer reassignment form are delivered
998 by the dealer to its purchaser. ~~A copy of the executed power of~~
999 ~~attorney shall be submitted to the department with a copy of the~~
1000 ~~executed dealer reassignment form within 5 business days after~~
1001 ~~the duplicate certificate of title and dealer reassignment form~~
1002 ~~are delivered by the dealer to its transferee.~~
1003 (c) If the mechanics of the transfer of title to a motor
1004 vehicle in accordance with the provisions of paragraph (a) or
1005 paragraph (b) are determined to be incompatible with and
1006 unlawful under the provisions of 49 C.F.R. part 580, the
1007 transfer of title to a motor vehicle by operation of this
1008 subsection can be effected in any manner not inconsistent with
1009 49 C.F.R. part 580 and Florida law; provided, any power of
1010 attorney form issued or authorized by the department under this
1011 subsection shall contain an original that ~~two carbon copies, one~~
1012 ~~of which~~ shall be submitted ~~directly~~ to the department by the
1013 dealer ~~within 5 business days of use by the dealer~~ to effect
1014 transfer of a title certificate as provided in paragraphs (a)
1015 and (b) and a copy that ~~one of which~~ shall be retained by the

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1016 dealer in its records for 5 years.
1017 (d) Any person who fails to complete the information
1018 required by this subsection or to file with the department the
1019 forms required by this subsection is guilty of a misdemeanor of
1020 the second degree, punishable as provided in s. 775.082 or s.
1021 775.083. The department shall not issue a certificate of title
1022 unless this subsection has been complied with.
1023 (7) If a title is held electronically and the transferee
1024 agrees to maintain the title electronically, the transferor and
1025 transferee shall complete a secure reassignment document that
1026 discloses the odometer reading and is signed by both the
1027 transferor and transferee at the tax collector office or license
1028 plate agency. Each certificate of title issued by the department
1029 must contain on its reverse side a minimum of three ~~four~~ spaces
1030 for notation of the name and license number of any auction
1031 through which the vehicle is sold and the date the vehicle was
1032 auctioned. Each separate dealer reassignment form issued by the
1033 department must also have the space referred to in this section.
1034 When a transfer of title is made at a motor vehicle auction, the
1035 reassignment must note the name and address of the auction, but
1036 the auction shall not thereby be deemed to be the owner, seller,
1037 transferor, or assignor of title. A motor vehicle auction is
1038 required to execute a dealer reassignment only when it is the
1039 owner of a vehicle being sold.
1040 (8) Upon transfer or reassignment of a used motor vehicle
1041 through the services of an auction, the auction shall complete
1042 the information in the space provided for by subsection (7). Any
1043 person who fails to complete the information as required by this
1044 subsection is guilty of a misdemeanor of the second degree,

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1045 punishable as provided in s. 775.082 or s. 775.083. The
1046 department shall not issue a certificate of title unless this
1047 subsection has been complied with.
1048 (9) This section shall be construed to conform to 49 C.F.R.
1049 part 580.
1050 Section 17. Subsection (9) of section 319.23, Florida
1051 Statutes, is amended to read:
1052 319.23 Application for, and issuance of, certificate of
1053 title.—
1054 (9) The title certificate or application for title must
1055 contain the applicant's full first name, middle initial, last
1056 name, date of birth, sex, and the license plate number. An
1057 individual applicant must provide ~~personal or business~~
1058 ~~identification, which may include, but need not be limited to,~~ a
1059 valid driver ~~driver's~~ license or identification card issued by
1060 ~~number,~~ Florida or another state, or a valid passport. A
1061 business applicant must provide a ~~identification card number, or~~
1062 federal employer identification number, if applicable,
1063 verification that the business is authorized to conduct business
1064 in the state, or a Florida city or county business license or
1065 number. In lieu of ~~and~~ the license plate number the individual
1066 or business applicant must provide ~~or, in lieu thereof,~~ an
1067 affidavit certifying that the motor vehicle to be titled will
1068 not be operated upon the public highways of this state.
1069 Section 18. Paragraph (b) of subsection (2) of section
1070 319.28, Florida Statutes, is amended to read:
1071 319.28 Transfer of ownership by operation of law.—
1072 (2)
1073 (b) In case of repossession of a motor vehicle or mobile

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1074 home pursuant to the terms of a security agreement or similar
1075 instrument, an affidavit by the party to whom possession has
1076 passed stating that the vehicle or mobile home was repossessed
1077 upon default in the terms of the security agreement or other
1078 instrument shall be considered satisfactory proof of ownership
1079 and right of possession. At least 5 days prior to selling the
1080 repossessed vehicle, any subsequent lienholder named in the last
1081 issued certificate of title shall be sent notice of the
1082 repossession by certified mail, on a form prescribed by the
1083 department. If such notice is given and no written protest to
1084 the department is presented by a subsequent lienholder within 15
1085 days after ~~from~~ the date on which the notice was mailed, the
1086 certificate of title ~~or the certificate of repossession~~ shall be
1087 issued showing no liens. If the former owner or any subsequent
1088 lienholder files a written protest under oath within such 15-day
1089 period, the department shall not issue the certificate of title
1090 ~~or certificate of repossession~~ for 10 days thereafter. If within
1091 the 10-day period no injunction or other order of a court of
1092 competent jurisdiction has been served on the department
1093 commanding it not to deliver the certificate of title ~~or~~
1094 ~~certificate of repossession~~, the department shall deliver the
1095 certificate of title ~~or repossession~~ to the applicant or as may
1096 otherwise be directed in the application showing no other liens
1097 than those shown in the application. Any lienholder who has
1098 repossessed a vehicle in this state in compliance with the
1099 provisions of this section must apply to a tax collector's
1100 office in this state or to the department for a ~~certificate of~~
1101 ~~repossession or to the department for a~~ certificate of title
1102 pursuant to s. 319.323. Proof of the required notice to

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1103 subsequent lienholders shall be submitted together with regular
1104 title fees. ~~A lienholder to whom a certificate of repossession~~
1105 ~~has been issued may assign the certificate of title to the~~
1106 ~~subsequent owner.~~ Any person found guilty of violating any
1107 requirements of this paragraph shall be guilty of a felony of
1108 the third degree, punishable as provided in s. 775.082, s.
1109 775.083, or s. 775.084.
1110 Section 19. Subsections (1), (2), (3), (7), (8), (9), and
1111 (11) of section 319.30, Florida Statutes, are amended, and a new
1112 subsection (11) is added to that section, to read:
1113 319.30 Definitions; dismantling, destruction, change of
1114 identity of motor vehicle or mobile home; salvage.—
1115 (1) As used in this section, the term:
1116 (a) "Certificate of destruction" means the certificate
1117 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).
1118 (b) "Certificate of registration number" means the
1119 certificate of registration number issued by the Department of
1120 Revenue of the State of Florida pursuant to s. 538.25.
1121 (c) "Certificate of title" means a record that serves as
1122 evidence of ownership of a vehicle, whether such record is a
1123 paper certificate authorized by the department or by a motor
1124 vehicle department authorized to issue titles in another state
1125 or a certificate consisting of information stored in electronic
1126 form in the department's database.
1127 (d) "Derelict" means any material which is or may have been
1128 a motor vehicle or mobile home, which is not a major part or
1129 major component part, which is inoperable, and which is in such
1130 condition that its highest or primary value is in its sale or
1131 transfer as scrap metal.

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1132 (e) "Derelict motor vehicle" means:
1133 1. Any motor vehicle as defined in s. 320.01(1) or mobile
1134 home as defined in s. 320.01(2), with or without all parts,
1135 major parts, or major component parts, which is valued under
1136 $1,000, is at least 10 model years old, beginning with the model
1137 year of the vehicle as year one, and is in such condition that
1138 its highest or primary value is for sale, transport, or delivery
1139 to a licensed salvage motor vehicle dealer or registered
1140 secondary metals recycler for dismantling its component parts or
1141 conversion to scrap metal; or
1142 2. Any trailer as defined in s. 320.01(1), with or without
1143 all parts, major parts, or major component parts, which is
1144 valued under $5,000, is at least 10 model years old, beginning
1145 with the model year of the vehicle as year one, and is in such
1146 condition that its highest or primary value is for sale,
1147 transport, or delivery to a licensed salvage motor vehicle
1148 dealer or registered secondary metals recycler for conversion to
1149 scrap metal.
1150 (f) "Derelict motor vehicle certificate" means a
1151 certificate issued by the department which serves as evidence
1152 that a derelict motor vehicle will be dismantled or converted to
1153 scrap metal. This certificate may be obtained by completing a
1154 derelict motor vehicle certificate application authorized by the
1155 department. A derelict motor vehicle certificate may be
1156 reassigned only one time if the derelict motor vehicle
1157 certificate was completed by a licensed salvage motor vehicle
1158 dealer and the derelict motor vehicle was sold to another
1159 licensed salvage motor vehicle dealer or a secondary metals
1160 recycler.

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1161 (g) "Independent entity" means a business or entity that
1162 may temporarily store damaged or dismantled motor vehicles
1163 pursuant to an agreement with an insurance company and is
1164 engaged in the sale or resale of damaged or dismantled motor
1165 vehicles. The term does not include a wrecker operator, a towing
1166 company, or a repair facility.
1167 (h) "Junk" means any material which is or may have been a
1168 motor vehicle or mobile home, with or without all component
1169 parts, which is inoperable and which material is in such
1170 condition that its highest or primary value is either in its
1171 sale or transfer as scrap metal or for its component parts, or a
1172 combination of the two, except when sold or delivered to or when
1173 purchased, possessed, or received by a secondary metals recycler
1174 or salvage motor vehicle dealer.
1175 (i) "Major component parts" means:
1176 1. For motor vehicles other than motorcycles, any fender,
1177 hood, bumper, cowl assembly, rear quarter panel, trunk lid,
1178 door, decklid, floor pan, engine, frame, transmission, catalytic
1179 converter, or airbag.
1180 2. For trucks, in addition to those parts listed in
1181 subparagraph 1., any truck bed, including dump, wrecker, crane,
1182 mixer, cargo box, or any bed which mounts to a truck frame.
1183 3. For motorcycles, the body assembly, frame, fenders, gas
1184 tanks, engine, cylinder block, heads, engine case, crank case,
1185 transmission, drive train, front fork assembly, and wheels.
1186 4. For mobile homes, the frame.
1187 (j) "Major part" means the front-end assembly, cowl
1188 assembly, or rear body section.
1189 (k) "Materials" means motor vehicles, derelicts, and major

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1190 parts that are not prepared materials.
1191 (l) "Mobile home" means mobile home as defined in s.
1192 320.01(2).
1193 (m) "Motor vehicle" means motor vehicle as defined in s.
1194 320.01(1).
1195 (n) "National Motor Vehicle Title Information System" means
1196 the national mandated vehicle history database required under 28
1197 C.F.R. part 25 and maintained for the United States Department
1198 of Justice that links the states' motor vehicle title records,
1199 including the department's motor vehicle title records, and
1200 requires the reporting of junk and salvage motor vehicles in
1201 order to ensure that states, law enforcement agencies, and
1202 consumers have access to vehicle titling, branding, and other
1203 information that enables them to verify the accuracy and
1204 legality of motor vehicle titles before purchase or title
1205 transfer of the vehicle occurs.
1206 (o) "Nonrepairable vehicle" means a vehicle of a type
1207 otherwise subject to registration that:
1208 1. Has no resale value except as a source of parts or scrap
1209 metal or that the owner irreversibly designates as a source of
1210 parts or scrap metal or for destruction; or
1211 2. Has little or no resale value other than its worth as a
1212 source of a vehicle identification number that could be used
1213 illegally; and
1214 a. Has been substantially stripped as a result of theft;
1215 b. Is missing all of the bolt-on sheet metal body panels,
1216 all of the doors and hatches, substantially all of the interior
1217 components, and substantially all of the grill and light
1218 assemblies; or

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1219 c. Is a substantially burned vehicle that:
1220 (I) Has burned to the extent that there are no more usable
1221 or repairable body or interior components, tires and wheels, or
1222 drive train components; or
1223 (II) The owner irreversibly designates for destruction or
1224 as having little or no resale value other than its worth as a
1225 source of scrap metal or as a source of a vehicle identification
1226 number that could be used illegally.
1227 (p) ~~(n)~~ "Parts" means parts of motor vehicles or
1228 combinations thereof that do not constitute materials or
1229 prepared materials.
1230 (q) ~~(o)~~ "Prepared materials" means motor vehicles, mobile
1231 homes, derelict motor vehicles, major parts, or parts that have
1232 been processed by mechanically flattening or crushing, or
1233 otherwise processed such that they are not the motor vehicle or
1234 mobile home described in the certificate of title, or their only
1235 value is as scrap metal.
1236 (r) ~~(p)~~ "Processing" means the business of performing the
1237 manufacturing process by which ferrous metals or nonferrous
1238 metals are converted into raw material products consisting of
1239 prepared grades and having an existing or potential economic
1240 value, or the purchase of materials, prepared materials, or
1241 parts therefor.
1242 (s) ~~(q)~~ "Recreational vehicle" means a motor vehicle as
1243 defined in s. 320.01(1).
1244 (t) ~~(r)~~ "Salvage" means a motor vehicle or mobile home which
1245 is a total loss as defined in paragraph (3)(a).
1246 (u) ~~(s)~~ "Salvage certificate of title" means a salvage
1247 certificate of title issued by the department or by another

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1248 motor vehicle department authorized to issue titles in another
1249 state.
1250 (v) ~~(t)~~ "Salvage motor vehicle dealer" means salvage motor
1251 vehicle dealer as defined in s. 320.27(1)(c)5.
1252 (w) ~~(u)~~ "Secondary metals recycler" means secondary metals
1253 recycler as defined in s. 538.18.
1254 (x) "Self-insured entity" means a person, firm, business,
1255 company, or corporation, including a rental car company, that
1256 self-insures its own inventory or company vehicles.
1257 (y) ~~(v)~~ "Seller" means the owner of record or a person who
1258 has physical possession and responsibility for a derelict motor
1259 vehicle and attests that possession of the vehicle was obtained
1260 through lawful means along with all ownership rights. A seller
1261 does not include a towing company, repair shop, or landlord
1262 unless the towing company, repair shop, or landlord has obtained
1263 title, salvage title, or a certificate of destruction in the
1264 name of the towing company, repair shop, or landlord.
1265 (2)(a) Each person mentioned as owner in the last issued
1266 certificate of title, when such motor vehicle or mobile home is
1267 dismantled, destroyed, or changed in such manner that it is not
1268 the motor vehicle or mobile home described in the certificate of
1269 title, shall surrender his or her certificate of title to the
1270 department, and thereupon the department shall, with the consent
1271 of any lienholders noted thereon, enter a cancellation upon its
1272 records. Upon cancellation of a certificate of title in the
1273 manner prescribed by this section, the department may cancel and
1274 destroy all certificates in that chain of title. Any person who
1275 knowingly violates this paragraph commits a misdemeanor of the
1276 second degree, punishable as provided in s. 775.082 or s.

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1277 775.083.
1278 (b)1. When a motor vehicle, recreational vehicle, or mobile
1279 home is sold, transported, delivered to, or received by a
1280 salvage motor vehicle dealer, it shall be accompanied by:
1281 a. A valid certificate of title issued in the name of the
1282 seller or properly endorsed, as required in s. 319.22, over to
1283 the seller;
1284 b. A valid salvage certificate of title issued in the name
1285 of the seller or properly endorsed, as required in s. 319.22,
1286 over to the seller; or
1287 c. A valid certificate of destruction issued in the name of
1288 the seller or properly endorsed over to the seller.
1289 2. Any person who knowingly violates this paragraph by
1290 selling, transporting, delivering, purchasing, or receiving a
1291 motor vehicle, recreational vehicle, or mobile home without
1292 obtaining a properly endorsed certificate of title, salvage
1293 certificate of title, or certificate of destruction from the
1294 owner commits a felony of the third degree, punishable as
1295 provided in s. 775.082, s. 775.083, or s. 775.084.
1296 (c)1. When a derelict motor vehicle is sold, transported,
1297 or delivered to a licensed salvage motor vehicle dealer, the
1298 purchaser shall record the date of purchase and the name,
1299 address, and valid Florida driver’s license number or valid
1300 Florida identification card number, or a valid driver’s license
1301 number or identification card number issued by another state, of
1302 the person selling the derelict motor vehicle, and it shall be
1303 accompanied by:
1304 a. A valid certificate of title issued in the name of the
1305 seller or properly endorsed over to the seller;

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1306 b. A valid salvage certificate of title issued in the name
1307 of the seller or properly endorsed over to the seller; or
1308 c. A valid certificate of destruction issued in the name of
1309 the seller or properly endorsed over to the seller.
1310 2. If a valid certificate of title, salvage certificate of
1311 title, or certificate of destruction is not available, a
1312 derelict motor vehicle certificate application shall be
1313 completed by the seller or owner of the motor vehicle or mobile
1314 home, the seller’s or owner’s authorized transporter, and the
1315 licensed salvage motor vehicle dealer at the time of sale,
1316 transport, or delivery to the licensed salvage motor vehicle
1317 dealer. The derelict motor vehicle certificate application shall
1318 be used by the seller or owner, the seller’s or owner’s
1319 authorized transporter, and the licensed salvage motor vehicle
1320 dealer to obtain a derelict motor vehicle certificate from the
1321 department. The derelict motor vehicle certificate application
1322 must be accompanied by a legible copy of the seller’s or owner’s
1323 valid Florida driver’s license or Florida identification card,
1324 or a valid driver’s license or identification card issued by
1325 another state. If the seller is not the owner of record of the
1326 vehicle being sold, the dealer shall, at the time of sale,
1327 ensure that a smudge-free right thumbprint, or other digit if
1328 the seller has no right thumb, of the seller is imprinted upon
1329 the derelict motor vehicle certificate application and that a
1330 legible copy of the seller’s driver’s license or identification
1331 card is affixed to the application and transmitted to the
1332 department. The licensed salvage motor vehicle dealer shall
1333 secure the derelict motor vehicle for 3 full business days,
1334 excluding weekends and holidays, if there is no active lien or a

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1335 lien of 3 years or more on the department's records before
1336 destroying or dismantling the derelict motor vehicle and shall
1337 follow all reporting procedures established by the department,
1338 including electronic notification to the department or delivery
1339 of the original derelict motor vehicle certificate application
1340 to an agent of the department within 24 hours after receiving
1341 the derelict motor vehicle. If there is an active lien of less
1342 than 3 years on the derelict motor vehicle, the licensed salvage
1343 motor vehicle dealer shall secure the derelict motor vehicle for
1344 10 days. The department shall notify the lienholder that a
1345 derelict motor vehicle certificate has been issued and shall
1346 notify the lienholder of its intention to remove the lien. Ten
1347 days after receipt of the motor vehicle derelict certificate
1348 application, the department may remove the lien from its records
1349 if a written statement protesting removal of the lien is not
1350 received by the department from the lienholder within the 10-day
1351 period. However, if the lienholder files with the department and
1352 the licensed salvage motor vehicle dealer within the 10-day
1353 period a written statement that the lien is still outstanding,
1354 the department shall not remove the lien and shall place an
1355 administrative hold on the record for 30 days to allow the
1356 lienholder to apply for title to the vehicle or a repossession
1357 certificate under s. 319.28. The licensed salvage motor vehicle
1358 dealer must secure the derelict motor vehicle until the
1359 department's administrative stop is removed, the lienholder
1360 submits a lien satisfaction, or the lienholder takes possession
1361 of the vehicle. The licensed salvage motor vehicle dealer may
1362 require the lienholder to reimburse him or her only for the
1363 dealer's purchase price of the derelict vehicle and shall not

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1364 include any towing costs, storage fees, administrative fees, or
1365 other costs.
1366 3. Any person who knowingly violates this paragraph by
1367 selling, transporting, delivering, purchasing, or receiving a
1368 derelict motor vehicle without obtaining a certificate of title,
1369 salvage certificate of title, certificate of destruction, or
1370 derelict motor vehicle certificate application; enters false or
1371 fictitious information on a derelict motor vehicle certificate
1372 application; does not complete the derelict motor vehicle
1373 certificate application as required; does not obtain a legible
1374 copy of the seller's or owner's valid driver's license or
1375 identification card when required; does not make the required
1376 notification to the department; or destroys or dismantles a
1377 derelict motor vehicle without waiting the required time as set
1378 forth in subparagraph 2. commits a felony of the third degree,
1379 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1380 (3)(a)1. As used in this section, a motor vehicle or mobile
1381 home is a "total loss":
1382 a. When an insurance company pays the vehicle owner to
1383 replace the wrecked or damaged vehicle with one of like kind and
1384 quality or when an insurance company pays the owner upon the
1385 theft of the motor vehicle or mobile home; or
1386 b. When an uninsured or self-insured motor vehicle or
1387 mobile home is wrecked or damaged and the cost, at the time of
1388 loss, of repairing or rebuilding the vehicle is 80 percent or
1389 more of the cost to the owner of replacing the wrecked or
1390 damaged motor vehicle or mobile home with one of like kind and
1391 quality.
1392 2. A motor vehicle or mobile home shall not be considered a

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1393 "total loss" if the insurance company and owner of a motor
1394 vehicle or mobile home agree to repair, rather than to replace,
1395 the motor vehicle or mobile home. ~~However, if the actual cost to~~
1396 ~~repair the motor vehicle or mobile home to the insurance company~~
1397 ~~exceeds 100 percent of the cost of replacing the wrecked or~~
1398 ~~damaged motor vehicle or mobile home with one of like kind and~~
1399 ~~quality, the owner shall forward to the department, within 72~~
1400 ~~hours after the agreement, a request to brand the certificate of~~
1401 ~~title with the words "Total Loss Vehicle." Such a brand shall~~
1402 ~~become a part of the vehicle's title history.~~
1403 (b) The owner, including ~~persons who are~~ self-insured
1404 entities, of any motor vehicle or mobile home which is
1405 considered to be salvage shall, within 72 hours after the motor
1406 vehicle or mobile home becomes salvage, forward the title to the
1407 motor vehicle or mobile home to the department for processing.
1408 However, an insurance company which pays money as compensation
1409 for total loss of a motor vehicle or mobile home shall obtain
1410 the certificate of title for the motor vehicle or mobile home
1411 and, within 72 hours after receiving such certificate of title,
1412 shall forward such title to the department for processing and
1413 make the required notification to the National Motor Vehicle
1414 Title Information System. The owner, ~~or~~ insurance company, or
1415 self-insured entity as the case may be, may not dispose of a
1416 vehicle or mobile home that is a total loss before it has
1417 obtained a salvage certificate of title or certificate of
1418 destruction from the department. When applying for a salvage
1419 certificate of title or certificate of destruction, the owner,
1420 ~~or~~ insurance company, or self-insured entity must provide the
1421 department with an estimate of the costs of repairing the

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1422 physical and mechanical damage suffered by the vehicle for which
1423 a salvage certificate of title or certificate of destruction is
1424 sought. If the motor vehicle is a nonrepairable vehicle
1425 ~~estimated costs of repairing the physical and mechanical damage~~
1426 ~~to the vehicle are equal to 80 percent or more of the current~~
1427 ~~retail cost of the vehicle, as established in any official used~~
1428 ~~car or used mobile home guide~~, the department shall declare the
1429 vehicle a nonrepairable vehicle ~~unrebuildable~~ and print a
1430 certificate of destruction, which authorizes the dismantling or
1431 destruction of the motor vehicle or mobile home described
1432 therein. However, if the damaged motor vehicle is equipped with
1433 custom-lowered floors for wheelchair access or a wheelchair
1434 lift, the insurance company may, upon determining that the
1435 vehicle is repairable to a condition that is safe for operation
1436 on public roads, submit the certificate of title to the
1437 department for reissuance as a salvage rebuildable title and the
1438 addition of a title brand of "insurance-declared total loss."
1439 The certificate of destruction shall be reassignable a maximum
1440 of two times before dismantling or destruction of the vehicle
1441 shall be required, and shall accompany the motor vehicle or
1442 mobile home for which it is issued, when such motor vehicle or
1443 mobile home is sold for such purposes, in lieu of a certificate
1444 of title, and, thereafter, the department shall refuse issuance
1445 of any certificate of title for that vehicle. Nothing in this
1446 subsection shall be applicable when a vehicle is worth less than
1447 $1,500 retail in undamaged condition in any official used motor
1448 vehicle guide or used mobile home guide or when a stolen motor
1449 vehicle or mobile home is recovered in substantially intact
1450 condition with all major component parts present and is readily

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1451 resalable without extensive repairs ~~to or replacement of the~~
1452 ~~frame or engine~~. Any person who knowingly violates this
1453 paragraph or falsifies any document to avoid the requirements of
1454 this paragraph commits a misdemeanor of the first degree,
1455 punishable as provided in s. 775.082 or s. 775.083.
1456 (7)(a) In the event of a purchase by a secondary metals
1457 recycler, that has been issued a certificate of registration
1458 number, of:
1459 1. Materials, prepared materials, or parts from any seller
1460 for purposes other than the processing of such materials,
1461 prepared materials, or parts, the purchaser shall obtain such
1462 documentation as may be required by this section and shall
1463 record the seller's name and address, date of purchase, and the
1464 personal identification card number of the person delivering
1465 such items.
1466 2. Parts or prepared materials from any seller for purposes
1467 of the processing of such parts or prepared materials, the
1468 purchaser shall record the seller's name and address and date of
1469 purchase and, in the event of a purchase transaction consisting
1470 primarily of parts or prepared materials, the personal
1471 identification card number of the person delivering such items.
1472 3. Materials from another secondary metals recycler for
1473 purposes of the processing of such materials, the purchaser
1474 shall record the seller's name and address and date of purchase.
1475 4.a. Motor vehicles, recreational vehicles, mobile homes,
1476 or derelict motor vehicles from other than a secondary metals
1477 recycler for purposes of the processing of such motor vehicles,
1478 recreational vehicles, mobile homes, or derelict motor vehicles,
1479 the purchaser shall record the date of purchase and the name,

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1480 address, and personal identification card number of the person
1481 selling such items and shall obtain the following documentation
1482 from the seller with respect to each item purchased:
1483 (I) A valid certificate of title issued in the name of the
1484 seller or properly endorsed, as required in s. 319.22, over to
1485 the seller;
1486 (II) A valid salvage certificate of title issued in the
1487 name of the seller or properly endorsed, as required in s.
1488 319.22, over to the seller;
1489 (III) A valid certificate of destruction issued in the name
1490 of the seller or properly endorsed over to the seller; or
1491 (IV) A valid derelict motor vehicle certificate obtained
1492 from the department by a licensed salvage motor vehicle dealer
1493 and properly reassigned to the secondary metals recycler.
1494 b. If a valid certificate of title, salvage certificate of
1495 title, certificate of destruction, or derelict motor vehicle
1496 certificate is not available and the motor vehicle or mobile
1497 home is a derelict motor vehicle, a derelict motor vehicle
1498 certificate application shall be completed by the seller or
1499 owner of the motor vehicle or mobile home, the seller's or
1500 owner's authorized transporter, and the registered secondary
1501 metals recycler at the time of sale, transport, or delivery to
1502 the registered secondary metals recycler to obtain a derelict
1503 motor vehicle certificate from the department. The derelict
1504 motor vehicle certificate application must be accompanied by a
1505 legible copy of the seller's or owner's valid Florida driver's
1506 license or Florida identification card, or a valid driver's
1507 license or identification card from another state. If the seller
1508 is not the owner of record of the vehicle being sold, the

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1509 recycler shall, at the time of sale, ensure that a smudge-free
1510 right thumbprint, or other digit if the seller has no right
1511 thumb, of the seller is imprinted upon the derelict motor
1512 vehicle certificate application and that the legible copy of the
1513 seller's driver's license or identification card is affixed to
1514 the application and transmitted to the department. The derelict
1515 motor vehicle certificate shall be used by the owner, the
1516 owner's authorized transporter, and the registered secondary
1517 metals recycler. The registered secondary metals recycler shall
1518 secure the derelict motor vehicle for 3 full business days,
1519 excluding weekends and holidays, if there is no active lien or a
1520 lien of 3 years or more on the department's records before
1521 destroying or dismantling the derelict motor vehicle and shall
1522 follow all reporting procedures established by the department,
1523 including electronic notification to the department or delivery
1524 of the original derelict motor vehicle certificate application
1525 to an agent of the department within 24 hours after receiving
1526 the derelict motor vehicle. If there is an active lien of less
1527 than 3 years on the derelict motor vehicle, the registered
1528 secondary metals recycler shall secure the derelict motor
1529 vehicle for 10 days. The department shall notify the lienholder
1530 of the application for a derelict motor vehicle certificate and
1531 shall notify the lienholder of its intention to remove the lien.
1532 Ten days after receipt of the motor vehicle derelict
1533 application, the department may remove the lien from its records
1534 if a written statement protesting removal of the lien is not
1535 received by the department from the lienholder within the 10-day
1536 period. However, if the lienholder files with the department and
1537 the registered secondary metals recycler within the 10-day

1538 period a written statement that the lien is still outstanding,
1539 the department shall not remove the lien and shall place an
1540 administrative hold on the record for 30 days to allow the
1541 lienholder to apply for title to the vehicle or a repossession
1542 certificate under s. 319.28. The registered secondary metals
1543 recycler must secure the derelict motor vehicle until the
1544 department's administrative stop is removed, the lienholder
1545 submits a lien satisfaction, or the lienholder takes possession
1546 of the vehicle. The registered secondary metals recycler may
1547 require the lienholder to reimburse him or her only for the
1548 recycler's purchase price of derelict vehicle and shall not
1549 include any towing cost, storage fees, administrative fees, or
1550 other costs.
1551 c. Any person who knowingly violates this subparagraph by
1552 selling, transporting, delivering, purchasing, or receiving a
1553 motor vehicle, recreational motor vehicle, mobile home, or
1554 derelict motor vehicle without obtaining a certificate of title,
1555 salvage certificate of title, certificate of destruction, or
1556 derelict motor vehicle certificate; enters false or fictitious
1557 information on a derelict motor vehicle certificate application;
1558 does not complete the derelict motor vehicle certificate
1559 application as required or does not make the required
1560 notification to the department; does not obtain a legible copy
1561 of the seller's or owner's driver's license or identification
1562 card when required; or destroys or dismantles a derelict motor
1563 vehicle without waiting the required time as set forth in sub-
1564 subparagraph b. commits a felony of the third degree, punishable
1565 as provided in s. 775.082, s. 775.083, or s. 775.084.
1566 5. Major parts from other than a secondary metals recycler

1567 for purposes of the processing of such major parts, the
1568 purchaser shall record the seller's name, address, date of
1569 purchase, and the personal identification card number of the
1570 person delivering such items, as well as the vehicle
1571 identification number, if available, of each major part
1572 purchased.
1573 (b) Any person who violates this subsection commits a
1574 felony of the third degree, punishable as provided in s.
1575 775.082, s. 775.083, or s. 775.084.
1576 (8)(a) Secondary metals recyclers and salvage motor vehicle
1577 dealers shall return to the department on a monthly basis all
1578 certificates of title and salvage certificates of title that are
1579 required by this section to be obtained. Secondary metals
1580 recyclers and salvage motor vehicle dealers may elect to notify
1581 the department electronically through procedures established by
1582 the department when they receive each motor vehicle or mobile
1583 home, salvage motor vehicle or mobile home, or derelict motor
1584 vehicle with a certificate of title or salvage certificate of
1585 title through procedures established by the department. The
1586 department may adopt rules and establish fees as it deems
1587 necessary or proper for the administration of the electronic
1588 notification service.
1589 (b) Secondary metals recyclers and salvage motor vehicle
1590 dealers shall keep originals, or a copy in the event the
1591 original was returned to the department, of all certificates of
1592 title, salvage certificates of title, certificates of
1593 destruction, derelict motor vehicle certificates, proof of
1594 reporting to the National Motor Vehicle Title Information
1595 System, and all other information required by this section to be

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1596 recorded or obtained, on file in the offices of such secondary
1597 metals recyclers or salvage motor vehicle dealers for a period
1598 of 3 years after the date of purchase of the items reflected in
1599 such certificates of title, salvage certificates of title,
1600 certificates of destruction, or derelict motor vehicle
1601 certificates. These records shall be maintained in chronological
1602 order.
1603 (c) Secondary metals recyclers and salvage motor vehicle
1604 dealers shall on a monthly basis make the required notifications
1605 on all junk, derelict motor vehicles, or salvage motor vehicles
1606 that were obtained in whole or part to the National Motor
1607 Vehicle Title Information System as required in 28 C.F.R. part
1608 25.
1609 (d) ~~(c)~~ For the purpose of enforcement of this section, the
1610 department or its agents and employees have the same right of
1611 inspection as law enforcement officers as provided in s.
1612 812.055.
1613 (e) ~~(d)~~ Whenever the department, its agent or employee, or
1614 any law enforcement officer has reason to believe that a stolen
1615 or fraudulently titled motor vehicle, mobile home, recreational
1616 vehicle, salvage motor vehicle, or derelict motor vehicle is in
1617 the possession of a salvage motor vehicle dealer or secondary
1618 metals recycler, the department, its agent or employee, or the
1619 law enforcement officer may issue an extended hold notice, not
1620 to exceed 5 additional business days, excluding weekends and
1621 holidays, to the salvage motor vehicle dealer or registered
1622 secondary metals recycler.
1623 (f) ~~(e)~~ Whenever a salvage motor vehicle dealer or
1624 registered secondary metals recycler is notified by the

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1625 department, its agent or employee, or any law enforcement
1626 officer to hold a motor vehicle, mobile home, recreational
1627 vehicle, salvage motor vehicle, or derelict motor vehicle that
1628 is believed to be stolen or fraudulently titled, the salvage
1629 motor vehicle dealer or registered secondary metals recycler
1630 shall hold the motor vehicle, mobile home, recreational vehicle,
1631 salvage motor vehicle, or derelict motor vehicle and may not
1632 dismantle or destroy the motor vehicle, mobile home,
1633 recreational vehicle, salvage motor vehicle, or derelict motor
1634 vehicle until it is recovered by a law enforcement officer, the
1635 hold is released by the department or the law enforcement
1636 officer placing the hold, or the 5 additional business days have
1637 passed since being notified of the hold.
1638 (g) ~~(f)~~ This section does not authorize any person who is
1639 engaged in the business of recovering, towing, or storing
1640 vehicles pursuant to s. 713.78, and who is claiming a lien for
1641 performing labor or services on a motor vehicle or mobile home
1642 pursuant to s. 713.58, or is claiming that a motor vehicle or
1643 mobile home has remained on any premises after tenancy has
1644 terminated pursuant to s. 715.104, to use a derelict motor
1645 vehicle certificate application for the purpose of transporting,
1646 selling, disposing of, or delivering a motor vehicle to a
1647 salvage motor vehicle dealer or secondary metals recycler
1648 without obtaining the title or certificate of destruction
1649 required under s. 713.58, s. 713.78, or s. 715.104.
1650 (h) ~~(g)~~ The department shall accept all properly endorsed
1651 and completed derelict motor vehicle certificate applications
1652 and shall issue a derelict motor vehicle certificate having an
1653 effective date that authorizes when a derelict motor vehicle is

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1654 eligible for dismantling or destruction. The electronic
1655 information obtained from the derelict motor vehicle certificate
1656 application shall be stored electronically and shall be made
1657 available to authorized persons after issuance of the derelict
1658 motor vehicle certificate in the Florida Real Time Vehicle
1659 Information System.
1660 (i) ~~(h)~~ The department is authorized to adopt rules pursuant
1661 to ss. 120.536(1) and 120.54 establishing policies and
1662 procedures to administer and enforce this section.
1663 (j) ~~(i)~~ The department shall charge a fee of $3 for each
1664 derelict motor vehicle certificate delivered to the department
1665 or one of its agents for processing and shall mark the title
1666 record canceled. A service charge may be collected under s.
1667 320.04.
1668 (k) ~~(j)~~ The licensed salvage motor vehicle dealer or
1669 registered secondary metals recycler shall make all payments for
1670 the purchase of any derelict motor vehicle that is sold by a
1671 seller who is not the owner of record on file with the
1672 department by check or money order made payable to the seller
1673 and may not make payment to the authorized transporter. The
1674 licensed salvage motor vehicle dealer or registered secondary
1675 metals recycler may not cash the check that such dealer or
1676 recycler issued to the seller.
1677 (9)(a) An insurance company may notify an independent
1678 entity that obtains possession of a damaged or dismantled motor
1679 vehicle to release the vehicle to the owner. The insurance
1680 company shall provide the independent entity a release statement
1681 on a form prescribed by the department authorizing the
1682 independent entity to release the vehicle to the owner. The form

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1683 shall, at a minimum, contain the following:
1684 1. The policy and claim number.
1685 2. The name and address of the insured.
1686 3. The vehicle identification number.
1687 4. The signature of an authorized representative of the
1688 insurance company.
1689 (b) The independent entity in possession of a motor vehicle
1690 must send a notice to the owner that the vehicle is available
1691 for pick up when it receives a release statement from the
1692 insurance company. The notice shall be sent by certified mail to
1693 the owner at the owner's address reflected in the department's
1694 records. The notice must inform the owner that the owner has 30
1695 days after receipt of the notice to pick up the vehicle from the
1696 independent entity. If the motor vehicle is not claimed within
1697 30 days after the owner receives the notice, the independent
1698 entity may apply for a certificate of destruction or a
1699 certificate of title.
1700 (c) The independent entity shall make the required
1701 notification to the National Motor Vehicle Title Information
1702 System before releasing any damaged or dismantled motor vehicle
1703 to the owner or before applying for a certificate of destruction
1704 or salvage certificate of title.
1705 (d) ~~(c)~~ Upon applying for a certificate of destruction or
1706 salvage certificate of title, the independent entity shall
1707 provide a copy of the release statement from the insurance
1708 company to the independent entity, proof of providing the 30-day
1709 notice to the owner, proof of notification to the National Motor
1710 Vehicle Title Information System, and applicable fees.
1711 (e) ~~(d)~~ The independent entity may not charge an owner of

1712 the vehicle storage fees or apply for a title under s. 713.585
1713 or s. 713.78.
1714 (11) All salvage motor vehicle dealers, secondary metals
1715 recyclers, auctions, independent entities, or self-insured
1716 entities that deal in salvage motor vehicles must be registered
1717 with the National Motor Vehicle Title Information System and
1718 shall be required to provide their registration number before
1719 being licensed by the department or before processing any
1720 certificate of title, salvage certificate of title, certificate
1721 of destruction, or derelict certificate by the department.
1722 (12) ~~(11)~~ Except as otherwise provided in this section, any
1723 person who violates this section commits a felony of the third
1724 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1725 775.084.
1726 Section 20. Section 319.323, Florida Statutes, is amended
1727 to read:
1728 319.323 Expedited service; applications; fees.—The
1729 department shall establish a separate title office which may be
1730 used by private citizens and licensed motor vehicle dealers to
1731 receive expedited service on title transfers, title issuances,
1732 duplicate titles, and recordation of liens~~, and certificates of~~
1733 ~~repossession~~. A fee of $10 shall be charged for this service,
1734 which fee is in addition to the fees imposed by s. 319.32. The
1735 fee, after deducting the amount referenced by s. 319.324 and
1736 $3.50 to be retained by the processing agency, shall be
1737 deposited into the General Revenue Fund. Application for
1738 expedited service may be made by mail or in person. The
1739 department shall issue each title applied for under this section
1740 within 5 working days after receipt of the application except

1741 for an application for a duplicate title certificate covered by
1742 s. 319.23(4), in which case the title must be issued within 5
1743 working days after compliance with the department's verification
1744 requirements.
1745 Section 21. Subsections (24) through (46) of section
1746 320.01, Florida Statutes, are renumbered as subsections (23)
1747 through (45), respectively, and present subsections (23) and
1748 (25) of that section are amended, to read:
1749 320.01 Definitions, general.—As used in the Florida
1750 Statutes, except as otherwise provided, the term:
1751 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1752 ~~which is required to be registered, or with respect to which an~~
1753 ~~election has been made to register it, under the International~~
1754 ~~Registration Plan.~~
1755 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
1756 recreational vehicles, vehicles displaying restricted plates,
1757 city pickup and delivery vehicles, buses used in transportation
1758 of chartered parties, and government-owned vehicles, which is
1759 used or intended for use in two or more member jurisdictions
1760 that allocate or proportionally register vehicles and which is
1761 used for the transportation of persons for hire or is designed,
1762 used, or maintained primarily for the transportation of property
1763 and:
1764 (a) Is a power unit having a gross vehicle weight in excess
1765 of 26,000 ~~26,001~~ pounds;
1766 (b) Is a power unit having three or more axles, regardless
1767 of weight; or
1768 (c) Is used in combination, when the weight of such
1769 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

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1770
1771 Vehicles, or combinations thereof, having a gross vehicle weight
1772 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1773 proportionally registered.
1774 Section 22. Paragraph (a) of subsection (2) of section
1775 320.02, Florida Statutes, is amended to read:
1776 320.02 Registration required; application for registration;
1777 forms.—
1778 (2)(a) The application for registration shall include the
1779 street address of the owner's permanent residence or the address
1780 of his or her permanent place of business and shall be
1781 accompanied by personal or business identification information.
1782 An individual applicant must provide ~~which may include, but need~~
1783 ~~not be limited to,~~ a valid driver license or ~~number, Florida~~
1784 identification card issued by this state or another state or a
1785 valid passport. A business applicant must provide a ~~number, or~~
1786 federal employer identification number, if applicable, or
1787 verification that the business is authorized to conduct business
1788 in the state, or a Florida city or county business license or
1789 number.
1790 1. If the owner does not have a permanent residence or
1791 permanent place of business or if the owner's permanent
1792 residence or permanent place of business cannot be identified by
1793 a street address, the application shall include:
1794 a.~~1.~~ If the vehicle is registered to a business, the name
1795 and street address of the permanent residence of an owner of the
1796 business, an officer of the corporation, or an employee who is
1797 in a supervisory position.
1798 b.~~2.~~ If the vehicle is registered to an individual, the

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1799 name and street address of the permanent residence of a close
1800 relative or friend who is a resident of this state.
1801 2. If the vehicle is registered to an active duty member of
1802 the Armed Forces of the United States who is a Florida resident,
1803 the active duty member is exempt from the requirement to provide
1804 the street address of a permanent residence.
1805 Section 23. Subsection (7) of section 320.03, Florida
1806 Statutes, is amended to read:
1807 320.03 Registration; duties of tax collectors;
1808 International Registration Plan.—
1809 (7) The Department of Highway Safety and Motor Vehicles
1810 shall register apportionable ~~apportioned motor~~ vehicles under
1811 the ~~provisions of the~~ International Registration Plan. The
1812 department may adopt rules to implement and enforce the
1813 provisions of the plan.
1814 Section 24. Section 320.05, Florida Statutes, is amended to
1815 read:
1816 320.05 Records of the department; inspection procedure;
1817 lists and searches; fees.—
1818 (1) Except as provided in chapter 119 and s. 320.025(3),
1819 the department may release records as provided in this section.
1820 (2) Upon receipt of an application for the registration of
1821 a motor vehicle, vessel, or mobile home, as herein provided for,
1822 the department shall register the motor vehicle, vessel, or
1823 mobile home under the distinctive number assigned to such motor
1824 vehicle, vessel, or mobile home by the department. ~~Electronic~~
1825 ~~registration records shall be open to the inspection of the~~
1826 ~~public during business hours.~~
1827 (3) Information on a motor vehicle, ~~or~~ vessel, mobile home,

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1828 driver license, or crash record ~~registration~~ may not be made
1829 available to a person unless the person requesting the
1830 information furnishes ~~positive proof of~~ identification. The
1831 agency ~~that furnishes a motor vehicle or vessel registration~~
1832 ~~record~~ shall record the name and address of any person other
1833 than a representative of a law enforcement agency who requests
1834 and receives information from a motor vehicle ~~or~~ vessel, mobile
1835 home, driver license, or crash ~~registration~~ record and shall
1836 also record the name and address of the person who is the
1837 subject of the inquiry or other information identifying the
1838 entity about which information is requested. A record of each
1839 ~~such~~ inquiry must be maintained for a period of 6 months from
1840 the date upon which the information was released to the
1841 inquirer. ~~Nothing in this section shall prohibit any financial~~
1842 ~~institution, insurance company, motor vehicle dealer, licensee~~
1843 ~~under chapter 493, attorney, or other agency which the~~
1844 ~~department determines has the right to know from obtaining, for~~
1845 ~~professional or business use only, information in such records~~
1846 ~~from the department through any means of telecommunication~~
1847 ~~pursuant to a code developed by the department providing all~~
1848 ~~fees specified in subsection (3) have been paid.~~ The department
1849 shall disclose records or information to the child support
1850 enforcement agency to assist in the location of individuals who
1851 owe or potentially owe support, as defined in s. 409.2554, or to
1852 whom such an obligation is owed pursuant to Title IV-D of the
1853 Social Security Act.
1854 (4) ~~(3)~~(a) The department is authorized, upon application of
1855 any person and payment of the proper fees, to prepare and
1856 furnish lists containing motor vehicle, ~~or~~ vessel, mobile home,

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1857 driver license, or crash record information in such form as the
1858 department may authorize, to search the records of the
1859 department and make reports thereof, and to make photographic
1860 copies of the department records and attestations thereof.
1861 (b) The department shall charge fees for services and
1862 documents ~~therefor shall be charged and collected~~ as follows:
1863 1. For providing lists of motor vehicle, ~~or~~ vessel, mobile
1864 home, driver license, or crash records for the entire state, or
1865 any part ~~or parts~~ thereof, ~~divided according to counties,~~ a sum
1866 computed at a rate of not less than 1 cent nor more than 5 cents
1867 per item.
1868 2. For providing ~~noncertified photographic copies of~~ motor
1869 vehicle, ~~or~~ vessel, mobile home, or driver license supporting
1870 documents or verification letters, $1 per page.
1871 ~~3. For providing noncertified photographic copies of~~
1872 ~~micrographic records, $1 per page.~~
1873 3.~~4.~~ For certifying records purchased under subparagraph 2.
1874 ~~providing certified copies of motor vehicle or vessel records~~,
1875 $3 per record.
1876 ~~5. For providing noncertified computer generated printouts~~
1877 ~~of motor vehicle or vessel records, 50 cents per record.~~
1878 ~~6. For providing certified computer generated printouts of~~
1879 ~~motor vehicle or vessel records, $3 per record.~~
1880 4.~~7.~~ For providing electronic access to motor vehicle,
1881 vessel, and mobile home registration data requested by tag,
1882 vehicle identification number, title number, or decal number, 50
1883 cents per item.
1884 5.~~8.~~ For providing electronic access to driver ~~driver's~~
1885 license status report by name, sex, and date of birth or by

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1886 driver license number, 50 cents per item.
1887 6.~~9.~~ For providing lists of licensed mobile home dealers
1888 and manufacturers and recreational vehicle dealers and
1889 manufacturers, $15 per list.
1890 7.~~10.~~ For providing lists of licensed motor vehicle
1891 dealers, $25 per list.
1892 ~~11. For each copy of a videotape record, $15 per tape.~~
1893 ~~12. For each copy of the Division of Motorist Services~~
1894 ~~Procedures Manual, $25.~~
1895 (c) Fees collected pursuant to paragraph (b) shall be
1896 deposited into the Highway Safety Operating Trust Fund.
1897 (d) The department shall furnish such information without
1898 charge to any court or governmental entity.
1899 (e) When motor vehicle, vessel, or mobile home registration
1900 data is provided by electronic access through a tax collector's
1901 office, the applicable fee as provided in paragraph (b) must be
1902 collected and deposited pursuant to paragraph (c). However, when
1903 such registration data is obtained through an electronic system
1904 described in s. 320.03(10), s. 320.0609, or s. 320.131 and
1905 results in the issuance of a title certificate or the
1906 registration credential, such fee shall not apply.
1907 (5)~~(4)~~ The department is authorized to reproduce such
1908 documents, records, and reports as required to meet the
1909 requirements of the law and the needs of the public, either by
1910 photographing, microphotographing, or reproducing on film the
1911 document, record, or report, or by using an electronic
1912 digitizing process capable of reproducing a true and correct
1913 image of the original source document. The photographs,
1914 microphotographs, or electronic digitized copy of any records

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1915 made in compliance with the provisions of this section shall
1916 have the same force and effect as the originals thereof and
1917 shall be treated as originals for the purpose of their
1918 admissibility into evidence. Duly certified or authenticated
1919 reproductions of such photographs, microphotographs, or
1920 electronically digitized records shall be admitted into evidence
1921 equally with the original photographs, microphotographs, or
1922 electronically digitized records.
1923 (6) ~~(5)~~ The creation and maintenance of records by the
1924 Division of Motorist Services pursuant to this chapter shall not
1925 be regarded as law enforcement functions of agency
1926 recordkeeping.
1927 Section 25. Paragraph (b) of subsection (1) of section
1928 320.071, Florida Statutes, is amended to read:
1929 320.071 Advance registration renewal; procedures.—
1930 (1)
1931 (b) The owner of any apportionable ~~apportioned motor~~
1932 vehicle currently registered in this state under the
1933 International Registration Plan may file an application for
1934 renewal of registration with the department any time during the
1935 3 months preceding the date of expiration of the registration
1936 period.
1937 Section 26. Subsections (1) and (3) of section 320.0715,
1938 Florida Statutes, are amended to read:
1939 320.0715 International Registration Plan; motor carrier
1940 services; permits; retention of records.—
1941 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1942 in this state ~~and engaged in interstate commerce~~ shall be
1943 registered in accordance with ~~the provisions of~~ the

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1944 International Registration Plan and shall display ~~apportioned~~
1945 license plates.
1946 (3)(a) If the department is unable to immediately issue the
1947 apportioned license plate to an applicant currently registered
1948 in this state under the International Registration Plan or to a
1949 vehicle currently titled in this state, the department or its
1950 designated agent may ~~is authorized to~~ issue a 60-day temporary
1951 operational permit. The department or agent of the department
1952 shall charge a $3 fee and the service charge authorized by s.
1953 320.04 for each temporary operational permit it issues.
1954 (b) The department may not ~~shall in no event~~ issue a
1955 temporary operational permit for any apportionable ~~commercial~~
1956 ~~motor~~ vehicle to any applicant until the applicant has shown
1957 that:
1958 1. All sales or use taxes due on the registration of the
1959 vehicle are paid; and
1960 2. Insurance requirements have been met in accordance with
1961 ss. 320.02(5) and 627.7415.
1962 (c) Issuance of a temporary operational permit provides
1963 ~~commercial motor vehicle~~ registration privileges in each
1964 International Registration Plan member jurisdiction designated
1965 on said permit and therefore requires payment of all applicable
1966 registration fees and taxes due for that period of registration.
1967 (d) Application for permanent registration must be made to
1968 the department within 10 days from issuance of a temporary
1969 operational permit. Failure to file an application within this
1970 10-day period may result in cancellation of the temporary
1971 operational permit.
1972 Section 27. Subsection (1) of section 320.18, Florida

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1973 Statutes, is amended to read:
1974 320.18 Withholding registration.—
1975 (1) The department may withhold the registration of any
1976 motor vehicle or mobile home the owner or coowner of which has
1977 failed to register it under the provisions of law for any
1978 previous period or periods for which it appears registration
1979 should have been made in this state~~,~~ until the tax for such
1980 period or periods is paid. The department may cancel any vehicle
1981 or vessel registration, driver ~~driver's~~ license, identification
1982 card, or fuel-use tax decal if the owner or coowner pays for any
1983 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
1984 identification card, or fuel-use tax decal; pays any
1985 administrative, delinquency, or reinstatement fee; or pays any
1986 tax liability, penalty, or interest specified in chapter 207 by
1987 a dishonored check, or if the vehicle owner or motor carrier has
1988 failed to pay a penalty for a weight or safety violation issued
1989 by the Department of Transportation or the Department of Highway
1990 Safety and Motor Vehicles. The Department of Transportation and
1991 the Department of Highway Safety and Motor Vehicles may impound
1992 any commercial motor vehicle that has a canceled license plate
1993 or fuel-use tax decal until the tax liability, penalty, and
1994 interest specified in chapter 207, the license tax, or the fuel-
1995 use decal fee, and applicable administrative fees have been paid
1996 for by certified funds.
1997 Section 28. Subsection (3), paragraph (a) of subsection
1998 (4), and subsection (5) of section 320.27, Florida Statutes, are
1999 amended to read:
2000 320.27 Motor vehicle dealers.—
2001 (3) APPLICATION AND FEE.—The application for the license

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2002 shall be in such form as may be prescribed by the department and
2003 shall be subject to such rules with respect thereto as may be so
2004 prescribed by it. Such application shall be verified by oath or
2005 affirmation and shall contain a full statement of the name and
2006 birth date of the person or persons applying therefor; the name
2007 of the firm or copartnership, with the names and places of
2008 residence of all members thereof, if such applicant is a firm or
2009 copartnership; the names and places of residence of the
2010 principal officers, if the applicant is a body corporate or
2011 other artificial body; the name of the state under whose laws
2012 the corporation is organized; the present and former place or
2013 places of residence of the applicant; and prior business in
2014 which the applicant has been engaged and the location thereof.
2015 Such application shall describe the exact location of the place
2016 of business and shall state whether the place of business is
2017 owned by the applicant and when acquired, or, if leased, a true
2018 copy of the lease shall be attached to the application. The
2019 applicant shall certify that the location provides an adequately
2020 equipped office and is not a residence; that the location
2021 affords sufficient unoccupied space upon and within which
2022 adequately to store all motor vehicles offered and displayed for
2023 sale; and that the location is a suitable place where the
2024 applicant can in good faith carry on such business and keep and
2025 maintain books, records, and files necessary to conduct such
2026 business, which shall be available at all reasonable hours to
2027 inspection by the department or any of its inspectors or other
2028 employees. The applicant shall certify that the business of a
2029 motor vehicle dealer is the principal business which shall be
2030 conducted at that location. The application shall contain a

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2031 statement that the applicant is either franchised by a
2032 manufacturer of motor vehicles, in which case the name of each
2033 motor vehicle that the applicant is franchised to sell shall be
2034 included, or an independent (nonfranchised) motor vehicle
2035 dealer. The application shall contain other relevant information
2036 as may be required by the department, including evidence that
2037 the applicant is insured under a garage liability insurance
2038 policy or a general liability insurance policy coupled with a
2039 business automobile policy, which shall include, at a minimum,
2040 $25,000 combined single-limit liability coverage including
2041 bodily injury and property damage protection and $10,000
2042 personal injury protection. However, a salvage motor vehicle
2043 dealer as defined in subparagraph (1)(c)5. is exempt from the
2044 requirements for garage liability insurance and personal injury
2045 protection insurance on those vehicles that cannot be legally
2046 operated on roads, highways, or streets in this state. Franchise
2047 dealers must submit a garage liability insurance policy, and all
2048 other dealers must submit a garage liability insurance policy or
2049 a general liability insurance policy coupled with a business
2050 automobile policy. Such policy shall be for the license period,
2051 and evidence of a new or continued policy shall be delivered to
2052 the department at the beginning of each license period. Upon
2053 making initial application, the applicant shall pay to the
2054 department a fee of $300 in addition to any other fees ~~now~~
2055 required by law. Applicants may choose to extend the licensure
2056 period for 1 additional year for a total of 2 years. An initial
2057 applicant shall pay to the department a fee of $300 for the
2058 first year and $75 for the second year, in addition to any other
2059 fees required by law. An applicant for renewal shall pay to the

2060 department $75 for a 1-year renewal or $150 for a 2-year
2061 renewal, in addition to any other fees required by law ~~Upon~~
2062 ~~making a subsequent renewal application, the applicant shall pay~~
2063 ~~to the department a fee of $75 in addition to any other fees now~~
2064 ~~required by law~~. Upon making an application for a change of
2065 location, the person shall pay a fee of $50 in addition to any
2066 other fees now required by law. The department shall, in the
2067 case of every application for initial licensure, verify whether
2068 certain facts set forth in the application are true. Each
2069 applicant, general partner in the case of a partnership, or
2070 corporate officer and director in the case of a corporate
2071 applicant, must file a set of fingerprints with the department
2072 for the purpose of determining any prior criminal record or any
2073 outstanding warrants. The department shall submit the
2074 fingerprints to the Department of Law Enforcement for state
2075 processing and forwarding to the Federal Bureau of Investigation
2076 for federal processing. The actual cost of state and federal
2077 processing shall be borne by the applicant and is in addition to
2078 the fee for licensure. The department may issue a license to an
2079 applicant pending the results of the fingerprint investigation,
2080 which license is fully revocable if the department subsequently
2081 determines that any facts set forth in the application are not
2082 true or correctly represented.
2083 (4) LICENSE CERTIFICATE.—
2084 (a) A license certificate shall be issued by the department
2085 in accordance with such application when the application is
2086 regular in form and in compliance with the provisions of this
2087 section. The license certificate may be in the form of a
2088 document or a computerized card as determined by the department.

2089 The actual cost of each original, additional, or replacement
2090 computerized card shall be borne by the licensee and is in
2091 addition to the fee for licensure. Such license, when so issued,
2092 entitles the licensee to carry on and conduct the business of a
2093 motor vehicle dealer. Each license issued to a franchise motor
2094 vehicle dealer expires ~~annually~~ on December 31 of the year of
2095 its expiration unless revoked or suspended prior to that date.
2096 Each license issued to an independent or wholesale dealer or
2097 auction expires ~~annually~~ on April 30 of the year of its
2098 expiration unless revoked or suspended prior to that date. At
2099 least ~~Not less than~~ 60 days before ~~prior to~~ the license
2100 expiration date, the department shall deliver or mail to each
2101 licensee the necessary renewal forms. Each independent dealer
2102 shall certify that the dealer (owner, partner, officer, or
2103 director of the licensee, or a full-time employee of the
2104 licensee that holds a responsible management-level position) has
2105 completed 8 hours of continuing education prior to filing the
2106 renewal forms with the department. Such certification shall be
2107 filed once every 2 years. The continuing education shall include
2108 at least 2 hours of legal or legislative issues, 1 hour of
2109 department issues, and 5 hours of relevant motor vehicle
2110 industry topics. Continuing education shall be provided by
2111 dealer schools licensed under paragraph (b) either in a
2112 classroom setting or by correspondence. Such schools shall
2113 provide certificates of completion to the department and the
2114 customer which shall be filed with the license renewal form, and
2115 such schools may charge a fee for providing continuing
2116 education. Any licensee who does not file his or her application
2117 and fees and any other requisite documents, as required by law,

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2118 with the department at least 30 days prior to the license
2119 expiration date shall cease to engage in business as a motor
2120 vehicle dealer on the license expiration date. A renewal filed
2121 with the department within 45 days after the expiration date
2122 shall be accompanied by a delinquent fee of $100. Thereafter, a
2123 new application is required, accompanied by the initial license
2124 fee. A license certificate duly issued by the department may be
2125 modified by endorsement to show a change in the name of the
2126 licensee, provided, as shown by affidavit of the licensee, the
2127 majority ownership interest of the licensee has not changed or
2128 the name of the person appearing as franchisee on the sales and
2129 service agreement has not changed. Modification of a license
2130 certificate to show any name change as herein provided shall not
2131 require initial licensure or reissuance of dealer tags; however,
2132 any dealer obtaining a name change shall transact all business
2133 in and be properly identified by that name. All documents
2134 relative to licensure shall reflect the new name. In the case of
2135 a franchise dealer, the name change shall be approved by the
2136 manufacturer, distributor, or importer. A licensee applying for
2137 a name change endorsement shall pay a fee of $25 which fee shall
2138 apply to the change in the name of a main location and all
2139 additional locations licensed under the provisions of subsection
2140 (5). Each initial license application received by the department
2141 shall be accompanied by verification that, within the preceding
2142 6 months, the applicant, or one or more of his or her designated
2143 employees, has attended a training and information seminar
2144 conducted by a licensed motor vehicle dealer training school.
2145 Any applicant for a new franchised motor vehicle dealer license
2146 who has held a valid franchised motor vehicle dealer license

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2147 continuously for the past 2 years and who remains in good
2148 standing with the department is exempt from the prelicensing
2149 training requirement. Such seminar shall include, but is not
2150 limited to, statutory dealer requirements, which requirements
2151 include required bookkeeping and recordkeeping procedures,
2152 requirements for the collection of sales and use taxes, and such
2153 other information that in the opinion of the department will
2154 promote good business practices. No seminar may exceed 8 hours
2155 in length.
2156 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
2157 section ~~hereunder~~ shall obtain a supplemental license for each
2158 permanent additional place or places of business not contiguous
2159 to the premises for which the original license is issued, on a
2160 form to be furnished by the department, and upon payment of a
2161 fee of $50 for each such additional location. Applicants may
2162 choose to extend the licensure period for 1 additional year for
2163 a total of 2 years. The applicant shall pay to the department a
2164 fee of $50 for the first year and $50 for the second year for
2165 each such additional location. Thereafter, the applicant shall
2166 pay $50 for a 1-year renewal or $100 for a 2-year renewal for
2167 each such additional location ~~Upon making renewal applications~~
2168 ~~for such supplemental licenses, such applicant shall pay $50 for~~
2169 ~~each additional location~~. A supplemental license authorizing
2170 off-premises sales shall be issued, at no charge to the dealer,
2171 for a period not to exceed 10 consecutive calendar days. To
2172 obtain such a temporary supplemental license for off-premises
2173 sales, the applicant must be a licensed dealer; must notify the
2174 applicable local department office of the specific dates and
2175 location for which such license is requested, display a sign at

2176 the licensed location clearly identifying the dealer, and
2177 provide staff to work at the temporary location for the duration
2178 of the off-premises sale; must meet any local government
2179 permitting requirements; and must have permission of the
2180 property owner to sell at that location. In the case of an off-
2181 premises sale by a motor vehicle dealer licensed under
2182 subparagraph (1)(c)1. for the sale of new motor vehicles, the
2183 applicant must also include documentation notifying the
2184 applicable licensee licensed under s. 320.61 of the intent to
2185 engage in an off-premises sale 5 working days prior to the date
2186 of the off-premises sale. The licensee shall either approve or
2187 disapprove of the off-premises sale within 2 working days after
2188 receiving notice; otherwise, it will be deemed approved. This
2189 section does not apply to a nonselling motor vehicle show or
2190 public display of new motor vehicles.
2191 Section 29. Section 320.62, Florida Statutes, is amended to
2192 read:
2193 320.62 Licenses; amount; disposition of proceeds.—The
2194 initial license for each manufacturer, distributor, or importer
2195 shall be $300 and shall be in addition to all other licenses or
2196 taxes ~~now or hereafter~~ levied, assessed, or required of the
2197 applicant or licensee. Applicants may choose to extend the
2198 licensure period for 1 additional year for a total of 2 years.
2199 An initial applicant shall pay to the department a fee of $300
2200 for the first year and $100 for the second year. An applicant
2201 for a renewal license shall pay $100 to the department for a 1-
2202 year renewal or $200 for a 2-year renewal ~~The annual renewal~~
2203 ~~license fee shall be $100~~. The proceeds from all licenses under
2204 ss. 320.60-320.70 shall be paid into the State Treasury to the

2205 credit of the General Revenue Fund. All licenses shall be
2206 payable on or before October 1 of the ~~each~~ year and shall
2207 expire, unless sooner revoked or suspended, on ~~the following~~
2208 September 30 of the year of its expiration.
2209 Section 30. Subsections (4) and (6) of section 320.77,
2210 Florida Statutes, are amended to read:
2211 320.77 License required of mobile home dealers.—
2212 (4) FEES.—Upon making initial application, the applicant
2213 shall pay to the department a fee of $300 in addition to any
2214 other fees ~~now~~ required by law. Applicants may choose to extend
2215 the licensure period for 1 additional year for a total of 2
2216 years. An initial applicant shall pay to the department a fee of
2217 $300 for the first year and $100 for the second year in addition
2218 to any other fees required by law. An applicant for a renewal
2219 license shall pay to the department $100 for a 1-year renewal or
2220 $200 for a 2-year renewal ~~The fee for renewal application shall~~
2221 ~~be $100~~. The fee for application for change of location shall be
2222 $25. Any applicant for renewal who has failed to submit his or
2223 her renewal application by October 1 of the year of its current
2224 license expiration shall pay a renewal application fee equal to
2225 the original application fee. No fee is refundable. All fees
2226 shall be deposited into the General Revenue Fund.
2227 (6) LICENSE CERTIFICATE.—A license certificate shall be
2228 issued by the department in accordance with the application when
2229 the same is regular in form and in compliance with the
2230 provisions of this section. The license certificate may be in
2231 the form of a document or a computerized card as determined by
2232 the department. The cost of each original, additional, or
2233 replacement computerized card shall be borne by the licensee and

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2234 is in addition to the fee for licensure. The fees charged
2235 applicants for both the required background investigation and
2236 the computerized card as provided in this section shall be
2237 deposited into the Highway Safety Operating Trust Fund. The
2238 license, when so issued, shall entitle the licensee to carry on
2239 and conduct the business of a mobile home dealer at the location
2240 set forth in the license for a period of 1 or 2 years beginning
2241 ~~year from~~ October 1 preceding the date of issuance. Each initial
2242 application received by the department shall be accompanied by
2243 verification that, within the preceding 6 months, the applicant
2244 or one or more of his or her designated employees has attended a
2245 training and information seminar conducted by the department or
2246 by a public or private provider approved by the department. Such
2247 seminar shall include, but not be limited to, statutory dealer
2248 requirements, which requirements include required bookkeeping
2249 and recording procedures, requirements for the collection of
2250 sales and use taxes, and such other information that in the
2251 opinion of the department will promote good business practices.
2252 Section 31. Subsections (4) and (6) of section 320.771,
2253 Florida Statutes, are amended to read:
2254 320.771 License required of recreational vehicle dealers.—
2255 (4) FEES.—Upon making initial application, the applicant
2256 shall pay to the department a fee of $300 in addition to any
2257 other fees ~~now~~ required by law. Applicants may choose to extend
2258 the licensure period for 1 additional year for a total of 2
2259 years. An initial applicant shall pay to the department a fee of
2260 $300 for the first year and $100 for the second year in addition
2261 to any other fees required by law. An applicant for a renewal
2262 license shall pay to the department $100 for a 1-year renewal or

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2263 $200 for a 2-year renewal ~~The fee for renewal application shall~~
2264 ~~be $100~~. The fee for application for change of location shall be
2265 $25. Any applicant for renewal who has failed to submit his or
2266 her renewal application by October 1 of the year of its current
2267 license expiration shall pay a renewal application fee equal to
2268 the original application fee. No fee is refundable. All fees
2269 shall be deposited into the General Revenue Fund.
2270 (6) LICENSE CERTIFICATE.—A license certificate shall be
2271 issued by the department in accordance with the application when
2272 the same is regular in form and in compliance with the
2273 provisions of this section. The license certificate may be in
2274 the form of a document or a computerized card as determined by
2275 the department. The cost of each original, additional, or
2276 replacement computerized card shall be borne by the licensee and
2277 is in addition to the fee for licensure. The fees charged
2278 applicants for both the required background investigation and
2279 the computerized card as provided in this section shall be
2280 deposited into the Highway Safety Operating Trust Fund. The
2281 license, when so issued, shall entitle the licensee to carry on
2282 and conduct the business of a recreational vehicle dealer at the
2283 location set forth in the license for a period of 1 or 2 years
2284 ~~year~~ from October 1 preceding the date of issuance. Each initial
2285 application received by the department shall be accompanied by
2286 verification that, within the preceding 6 months, the applicant
2287 or one or more of his or her designated employees has attended a
2288 training and information seminar conducted by the department or
2289 by a public or private provider approved by the department. Such
2290 seminar shall include, but not be limited to, statutory dealer
2291 requirements, which requirements include required bookkeeping

2292 and recording procedures, requirements for the collection of
2293 sales and use taxes, and such other information that in the
2294 opinion of the department will promote good business practices.
2295 Section 32. Subsections (3) and (6) of section 320.8225,
2296 Florida Statutes, are amended to read:
2297 320.8225 Mobile home and recreational vehicle manufacturer,
2298 distributor, and importer license.—
2299 (3) FEES.—Upon submitting an initial application, the
2300 applicant shall pay to the department a fee of $300. Applicants
2301 may choose to extend the licensure period for 1 additional year
2302 for a total of 2 years. An initial applicant shall pay to the
2303 department a fee of $300 for the first year and $100 for the
2304 second year. An applicant for a renewal license shall pay to the
2305 department $100 for a 1-year renewal or $200 for a 2-year
2306 renewal ~~Upon submitting a renewal application, the applicant~~
2307 ~~shall pay to the department a fee of $100~~. Any applicant for
2308 renewal who fails to submit his or her renewal application by
2309 October 1 of the year of its current license expiration shall
2310 pay a renewal application fee equal to the original application
2311 fee. No fee is refundable. All fees must be deposited into the
2312 General Revenue Fund.
2313 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
2314 manufacturer or a recreational vehicle manufacturer,
2315 distributor, or importer entitles the licensee to conduct
2316 business for a period of 1 or 2 years beginning ~~year from~~
2317 October 1 preceding the date of issuance.
2318 Section 33. Section 322.095, Florida Statutes, is amended
2319 to read:
2320 322.095 Traffic law and substance abuse education program

2321 for driver ~~driver's~~ license applicants.—
2322 (1) Each applicant for a driver license must complete a
2323 traffic law and substance abuse education course, unless the
2324 applicant has been licensed in another jurisdiction or has
2325 satisfactorily completed a Department of Education driver
2326 education course offered pursuant to s. 1003.48.
2327 (2)~~(1)~~ The Department of Highway Safety and Motor Vehicles
2328 must approve traffic law and substance abuse education courses,
2329 including courses that use communications technology as the
2330 delivery method.
2331 (a) In addition to the course approval criteria provided in
2332 this section, initial approval of traffic law and substance
2333 abuse education courses shall be based on the department's
2334 review of all course materials which must be designed to promote
2335 safety, education, and driver awareness; course presentation to
2336 the department by the provider; and the provider's plan for
2337 effective oversight of the course by those who deliver the
2338 course in the state.
2339 (b) Each course provider seeking approval of a traffic law
2340 and substance abuse education course must submit:
2341 1. Proof of ownership, copyright, or written permission
2342 from the course owner to use the course in the state ~~that must~~
2343 ~~be completed by applicants for a Florida driver's license~~.
2344 2. The curriculum ~~curricula~~ for the courses which must
2345 promote motorcyclist, bicyclist, and pedestrian safety and
2346 provide instruction on the physiological and psychological
2347 consequences of the abuse of alcohol and other drugs;~~,~~ the
2348 societal and economic costs of alcohol and drug abuse;~~,~~ the
2349 effects of alcohol and drug abuse on the driver of a motor

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2350 vehicle;~~, and~~ the laws of this state relating to the operation
2351 of a motor vehicle; the risk factors involved in driver attitude
2352 and irresponsible driver behaviors, such as speeding, reckless
2353 driving, and running red lights and stop signs; and the results
2354 of the use of electronic devices while driving. ~~All instructors~~
2355 ~~teaching the courses shall be certified by the department.~~
2356 (3)~~(2) The department shall contract for an independent~~
2357 ~~evaluation of the courses. Local DUI programs authorized under~~
2358 ~~s. 316.193(5) and certified by the department or a driver~~
2359 ~~improvement school may offer a traffic law and substance abuse~~
2360 ~~education course. However,~~ Prior to offering the course, the
2361 course provider must obtain certification from the department
2362 that the course complies with the requirements of this section.
2363 If the course is offered in a classroom setting, the course
2364 provider and any schools authorized by the provider to teach the
2365 course must offer the approved course at locations that are free
2366 from distractions and reasonably accessible to most applicants
2367 and must issue a certificate to those persons successfully
2368 completing the course.
2369 ~~(3) The completion of a course does not qualify a person~~
2370 ~~for the reinstatement of a driver's license which has been~~
2371 ~~suspended or revoked.~~
2372 ~~(4) The fee charged by the course provider must bear a~~
2373 ~~reasonable relationship to the cost of the course. The~~
2374 ~~department must conduct financial audits of course providers~~
2375 ~~conducting the education courses required under this section or~~
2376 ~~require that financial audits of providers be performed, at the~~
2377 ~~expense of the provider, by a certified public accountant.~~
2378 ~~(5) The provisions of this section do not apply to any~~

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2379 ~~person who has been licensed in any other jurisdiction or who~~
2380 ~~has satisfactorily completed a Department of Education driver's~~
2381 ~~education course offered pursuant to s. 1003.48.~~
2382 (4)~~(6)~~ In addition to a regular course fee, an assessment
2383 fee in the amount of $3 shall be collected by the school from
2384 each person who attends a course. The course provider must remit
2385 the $3 assessment fee to the department for deposit into the
2386 Highway Safety Operating Trust Fund in order to receive a unique
2387 course completion certificate number for the student. ~~Each~~
2388 ~~course provider must collect a $3 assessment fee in addition to~~
2389 ~~the enrollment fee charged to participants of the traffic law~~
2390 ~~and substance abuse course required under this section. The $3~~
2391 ~~assessment fee collected by the course provider must be~~
2392 ~~forwarded to the department within 30 days after receipt of the~~
2393 ~~assessment.~~
2394 (5)~~(7)~~ The department may ~~is authorized to~~ maintain the
2395 information and records necessary to administer its duties and
2396 responsibilities for the program. Course providers are required
2397 to maintain all records pertinent to the conduct of their
2398 approved courses for 5 years and allow the department to inspect
2399 such records as necessary. Records may be maintained in an
2400 electronic format. If ~~Where~~ such information is a public record
2401 as defined in chapter 119, it shall be made available to the
2402 public upon request pursuant to s. 119.07(1). ~~The department~~
2403 ~~shall approve and regulate courses that use technology as the~~
2404 ~~delivery method of all traffic law and substance abuse education~~
2405 ~~courses as the courses relate to this section.~~
2406 (6) The department shall design, develop, implement, and
2407 conduct effectiveness studies on each delivery method of all

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2408 courses approved pursuant to this section on a recurring 3-year
2409 basis. At a minimum, studies shall be conducted on the
2410 effectiveness of each course in reducing DUI citations and
2411 decreasing moving traffic violations or collision recidivism.
2412 Upon notification that a course has failed an effectiveness
2413 study, the course provider shall immediately cease offering the
2414 course in the state.
2415 (7) Courses approved under this section must be updated at
2416 the department's request. Failure of a course provider to update
2417 the course within 90 days after the department's request shall
2418 result in the suspension of the course approval until such time
2419 that the updates are submitted and approved by the department.
2420 (8) Each course provider shall ensure that its driver
2421 improvement schools are conducting the approved courses fully,
2422 to the required time limits, and with the content requirements
2423 specified by the department. The course provider shall ensure
2424 that only department-approved instructional materials are used
2425 in the presentation of the course, and that all driver
2426 improvement schools conducting the course do so in a manner that
2427 maximizes its impact and effectiveness. The course provider
2428 shall ensure that any student who is unable to attend or
2429 complete a course due to action, error, or omission on the part
2430 of the course provider or driver improvement school conducting
2431 the course shall be accommodated to permit completion of the
2432 course at no additional cost.
2433 (9) Traffic law and substance abuse education courses shall
2434 be conducted with a minimum of 4 hours devoted to course content
2435 minus a maximum of 30 minutes allotted for breaks.
2436 (10) A course provider may not require any student to

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2437 purchase a course completion certificate. Course providers
2438 offering paper or electronic certificates for purchase must
2439 clearly convey to the student that this purchase is optional,
2440 that the only valid course completion certificate is the
2441 electronic one that is entered into the department's Driver
2442 Improvement Certificate Issuance System, and that paper
2443 certificates are not acceptable for any licensing purpose.
2444 (11) Course providers and all associated driver improvement
2445 schools that offer approved courses shall disclose all fees
2446 associated with the course and shall not charge any fees that
2447 are not clearly listed during the registration process.
2448 (12) Course providers shall submit course completion
2449 information to the department through the department's Driver
2450 Improvement Certificate Issuance System within 5 days. The
2451 submission shall be free of charge to the student.
2452 (13) The department may deny, suspend, or revoke course
2453 approval upon proof that the course provider:
2454 (a) Violated this section.
2455 (b) Has been convicted of a crime involving any drug-
2456 related or DUI-related offense, a felony, fraud, or a crime
2457 directly related to the personal safety of a student.
2458 (c) Failed to satisfy the effectiveness criteria as
2459 outlined in subsection (6).
2460 (d) Obtained course approval by fraud or misrepresentation.
2461 (e) Obtained or assisted a person in obtaining any driver
2462 license by fraud or misrepresentation.
2463 (f) Conducted a traffic law and substance abuse education
2464 course in the state while approval of such course was under
2465 suspension or revocation.

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2466 (g) Failed to provide effective oversight of those who
2467 deliver the course in the state.
2468 (14) The department shall not accept certificates from
2469 students who take a course after the course has been suspended
2470 or revoked.
2471 (15) A person who has been convicted of a crime involving
2472 any drug-related or DUI-related offense in the past 5 years, a
2473 felony, fraud, or a crime directly related to the personal
2474 safety of a student shall not be allowed to conduct traffic law
2475 and substance abuse education courses.
2476 (16) The department shall summarily suspend approval of any
2477 course without preliminary hearing for the purpose of protecting
2478 the public safety and enforcing any provision of law governing
2479 traffic law and substance abuse education courses.
2480 (17) Except as otherwise provided in this section, before
2481 final department action denying, suspending, or revoking
2482 approval of a course, the course provider shall have the
2483 opportunity to request either a formal or informal
2484 administrative hearing to show cause why the action should not
2485 be taken.
2486 (18) The department may levy and collect a civil fine of at
2487 least $1,000 but not more than $5,000 for each violation of this
2488 section. Proceeds from fines collected shall be deposited into
2489 the Highway Safety Operating Trust Fund and used to cover the
2490 cost of administering this section or promoting highway safety
2491 initiatives.
2492 Section 34. Subsection (1) of section 322.125, Florida
2493 Statutes, is amended to read:
2494 322.125 Medical Advisory Board.—

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2495 (1) There shall be a Medical Advisory Board composed of not
2496 fewer than 12 or more than 25 members, at least one of whom must
2497 be 60 years of age or older and all but one of whose medical and
2498 other specialties must relate to driving abilities, which number
2499 must include a doctor of medicine who is employed by the
2500 Department of Highway Safety and Motor Vehicles in Tallahassee,
2501 who shall serve as administrative officer for the board. The
2502 executive director of the Department of Highway Safety and Motor
2503 Vehicles shall recommend persons to serve as board members.
2504 Every member but two must be a doctor of medicine licensed to
2505 practice medicine in this or any other state ~~and must be a~~
2506 ~~member in good standing of the Florida Medical Association or~~
2507 ~~the Florida Osteopathic Association~~. One member must be an
2508 optometrist licensed to practice optometry in this state ~~and~~
2509 ~~must be a member in good standing of the Florida Optometric~~
2510 ~~Association~~. One member must be a chiropractic physician
2511 licensed to practice chiropractic medicine in this state.
2512 Members shall be approved by the Cabinet and shall serve 4-year
2513 staggered terms. The board membership must, to the maximum
2514 extent possible, consist of equal representation of the
2515 disciplines of the medical community treating the mental or
2516 physical disabilities that could affect the safe operation of
2517 motor vehicles.
2518 Section 35. Subsection (4) of section 322.135, Florida
2519 Statutes, is amended to read:
2520 322.135 Driver ~~Driver's~~ license agents.—
2521 (4) A tax collector may not issue or renew a driver
2522 ~~driver's~~ license if he or she has any reason to believe that the
2523 licensee or prospective licensee is physically or mentally

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2524 unqualified to operate a motor vehicle. ~~The tax collector may~~
2525 ~~direct any such licensee to the department for examination or~~
2526 ~~reexamination under s. 322.221.~~
2527 Section 36. Paragraph (a) of subsection (5) of section
2528 322.18, Florida Statutes, is amended to read:
2529 322.18 Original applications, licenses, and renewals;
2530 expiration of licenses; delinquent licenses.—
2531 (5) All renewal driver ~~driver's~~ licenses may be issued
2532 after the applicant licensee has been determined to be eligible
2533 by the department.
2534 (a) A licensee who is otherwise eligible for renewal and
2535 who is at least 80 years of age:
2536 1. Must submit to and pass a vision test administered at
2537 any driver ~~driver's~~ license office; or
2538 2. If the licensee applies for a renewal using a
2539 convenience service as provided in subsection (8), he or she
2540 must submit to a vision test administered by a doctor of
2541 medicine or a doctor of osteopathy licensed to practice medicine
2542 in any state or an optometrist licensed to practice optometry in
2543 any state ~~physician licensed under chapter 458 or chapter 459,~~
2544 ~~an optometrist licensed under chapter 463, or a licensed~~
2545 ~~physician at a federally established veterans' hospital~~; must
2546 send the results of that test to the department on a form
2547 obtained from the department and signed by such health care
2548 practitioner; and must meet vision standards that are equivalent
2549 to the standards for passing the departmental vision test. The
2550 physician or optometrist may submit the results of a vision test
2551 by a department-approved electronic means.
2552 Section 37. Subsection (1) of section 322.21, Florida

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2553 Statutes, is amended to read:
2554 322.21 License fees; procedure for handling and collecting
2555 fees.—
2556 (1) Except as otherwise provided herein, the fee for:
2557 (a) An original or renewal commercial driver ~~driver's~~
2558 license is $75, which shall include the fee for driver education
2559 provided by s. 1003.48. However, if an applicant has completed
2560 training and is applying for employment or is currently employed
2561 in a public or nonpublic school system that requires the
2562 commercial license, the fee is the same as for a Class E driver
2563 ~~driver's~~ license. A delinquent fee of $15 shall be added for a
2564 renewal within 12 months after the license expiration date.
2565 (b) An original Class E driver ~~driver's~~ license is $48,
2566 which includes the fee for driver ~~driver's~~ education provided by
2567 s. 1003.48. However, if an applicant has completed training and
2568 is applying for employment or is currently employed in a public
2569 or nonpublic school system that requires a commercial driver
2570 license, the fee is the same as for a Class E license.
2571 (c) The renewal or extension of a Class E driver ~~driver's~~
2572 license or of a license restricted to motorcycle use only is
2573 $48, except that a delinquent fee of $15 shall be added for a
2574 renewal or extension made within 12 months after the license
2575 expiration date. The fee provided in this paragraph includes the
2576 fee for driver ~~driver's~~ education provided by s. 1003.48.
2577 (d) An original driver ~~driver's~~ license restricted to
2578 motorcycle use only is $48, which includes the fee for driver
2579 ~~driver's~~ education provided by s. 1003.48.
2580 (e) A replacement driver ~~driver's~~ license issued pursuant
2581 to s. 322.17 is $25. Of this amount $7 shall be deposited into

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2582 the Highway Safety Operating Trust Fund and $18 shall be
2583 deposited into the General Revenue Fund. Beginning July 1, 2015,
2584 or upon completion of the transition of driver ~~driver's~~ license
2585 issuance services, if the replacement driver ~~driver's~~ license is
2586 issued by the tax collector, the tax collector shall retain the
2587 $7 that would otherwise be deposited into the Highway Safety
2588 Operating Trust Fund and the remaining revenues shall be
2589 deposited into the General Revenue Fund.
2590 (f) An original, renewal, or replacement identification
2591 card issued pursuant to s. 322.051 is $25. Funds collected from
2592 these fees shall be distributed as follows:
2593 1. For an original identification card issued pursuant to
2594 s. 322.051 the fee is $25. This amount shall be deposited into
2595 the General Revenue Fund.
2596 2. For a renewal identification card issued pursuant to s.
2597 322.051 the fee is $25. Of this amount, $6 shall be deposited
2598 into the Highway Safety Operating Trust Fund and $19 shall be
2599 deposited into the General Revenue Fund.
2600 3. For a replacement identification card issued pursuant to
2601 s. 322.051 the fee is $25. Of this amount, $9 shall be deposited
2602 into the Highway Safety Operating Trust Fund and $16 shall be
2603 deposited into the General Revenue Fund. Beginning July 1, 2015,
2604 or upon completion of the transition of the driver ~~driver's~~
2605 license issuance services, if the replacement identification
2606 card is issued by the tax collector, the tax collector shall
2607 retain the $9 that would otherwise be deposited into the Highway
2608 Safety Operating Trust Fund and the remaining revenues shall be
2609 deposited into the General Revenue Fund.
2610 (g) Each endorsement required by s. 322.57 is $7.

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2611 (h) A hazardous-materials endorsement, as required by s.
2612 322.57(1)(d), shall be set by the department by rule and must
2613 reflect the cost of the required criminal history check,
2614 including the cost of the state and federal fingerprint check,
2615 and the cost to the department of providing and issuing the
2616 license. The fee shall not exceed $100. This fee shall be
2617 deposited in the Highway Safety Operating Trust Fund. The
2618 department may adopt rules to administer this section.
2619 (i) The specialty driver license or identification card
2620 issued pursuant to s. 322.1415 is $25, which is in addition to
2621 other fees required in this section. The fee shall be
2622 distributed as follows:
2623 1. Fifty percent shall be distributed as provided in s.
2624 320.08058 to the appropriate state or independent university,
2625 professional sports team, or branch of the United States Armed
2626 Forces.
2627 2. Fifty percent shall be distributed to the department for
2628 costs directly related to the specialty driver license and
2629 identification card program and to defray the costs associated
2630 with production enhancements and distribution.
2631 Section 38. Subsection (7) of section 322.212, Florida
2632 Statutes, is amended to read:
2633 322.212 Unauthorized possession of, and other unlawful acts
2634 in relation to, driver ~~driver's~~ license or identification card.—
2635 (7) In addition to any other penalties provided by this
2636 section, any person who provides false information when applying
2637 for a commercial driver ~~driver's~~ license or commercial learner's
2638 permit or is convicted of fraud in connection with testing for a
2639 commercial driver license or commercial learner's permit shall

2640 be disqualified from operating a commercial motor vehicle for a
2641 period of 1 year ~~60 days~~.
2642 Section 39. Subsection (1) of section 322.22, Florida
2643 Statutes, is amended to read:
2644 322.22 Authority of department to cancel or refuse to issue
2645 or renew license.—
2646 (1) The department may ~~is authorized to~~ cancel or withhold
2647 issuance or renewal of any driver ~~driver's~~ license, upon
2648 determining that the licensee was not entitled to the issuance
2649 thereof, or that the licensee failed to give the required or
2650 correct information in his or her application or committed any
2651 fraud in making such application, or that the licensee has two
2652 or more licenses on file with the department, each in a
2653 different name but bearing the photograph of the licensee,
2654 unless the licensee has complied with the requirements of this
2655 chapter in obtaining the licenses. The department may cancel or
2656 withhold issuance or renewal of any driver ~~driver's~~ license,
2657 identification card, vehicle or vessel registration, or fuel-use
2658 decal if the licensee fails to pay the correct fee or pays for
2659 any driver ~~the driver's~~ license, identification card, vehicle or
2660 vessel registration, or fuel-use decal; pays any tax liability,
2661 penalty, or interest specified in chapter 207; or pays any
2662 administrative, delinquency, or reinstatement fee by a
2663 dishonored check.
2664 Section 40. Subsection (3) of section 322.245, Florida
2665 Statutes, is amended to read:
2666 322.245 Suspension of license upon failure of person
2667 charged with specified offense under chapter 316, chapter 320,
2668 or this chapter to comply with directives ordered by traffic

2669 court or upon failure to pay child support in non-IV-D cases as
2670 provided in chapter 61 or failure to pay any financial
2671 obligation in any other criminal case.—
2672 (3) If the person fails to comply with the directives of
2673 the court within the 30-day period, or, in non-IV-D cases, fails
2674 to comply with the requirements of s. 61.13016 within the period
2675 specified in that statute, the depository or the clerk of the
2676 court shall electronically notify the department of such failure
2677 within 10 days. Upon electronic receipt of the notice, the
2678 department shall immediately issue an order suspending the
2679 person's driver ~~driver's~~ license and privilege to drive
2680 effective 20 days after the date the order of suspension is
2681 mailed in accordance with s. 322.251(1), (2), and (6).
2682 Section 41. Subsection (7) of section 322.25, Florida
2683 Statutes, is amended to read:
2684 322.25 When court to forward license to department and
2685 report convictions; temporary reinstatement of driving
2686 privileges.—
2687 ~~(7) Any licensed driver convicted of driving, or being in~~
2688 ~~the actual physical control of, a vehicle within this state~~
2689 ~~while under the influence of alcoholic beverages, any chemical~~
2690 ~~substance set forth in s. 877.111, or any substance controlled~~
2691 ~~under chapter 893, when affected to the extent that his or her~~
2692 ~~normal faculties are impaired, and whose license and driving~~
2693 ~~privilege have been revoked as provided in subsection (1) may be~~
2694 ~~issued a court order for reinstatement of a driving privilege on~~
2695 ~~a temporary basis; provided that, as a part of the penalty, upon~~
2696 ~~conviction, the defendant is required to enroll in and complete~~
2697 ~~a driver improvement course for the rehabilitation of drinking~~

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2698 ~~drivers and the driver is otherwise eligible for reinstatement~~
2699 ~~of the driving privilege as provided by s. 322.282. The court~~
2700 ~~order for reinstatement shall be on a form provided by the~~
2701 ~~department and must be taken by the person convicted to a~~
2702 ~~Florida driver's license examining office, where a temporary~~
2703 ~~driving permit may be issued. The period of time for which a~~
2704 ~~temporary permit issued in accordance with this subsection is~~
2705 ~~valid shall be deemed to be part of the period of revocation~~
2706 ~~imposed by the court.~~
2707 Section 42. Section 322.2615, Florida Statutes, is amended
2708 to read:
2709 322.2615 Suspension of license; right to review.—
2710 (1)(a) A law enforcement officer or correctional officer
2711 shall, on behalf of the department, suspend the driving
2712 privilege of a person who is driving or in actual physical
2713 control of a motor vehicle and who has an unlawful blood-alcohol
2714 level or breath-alcohol level of 0.08 or higher, or of a person
2715 who has refused to submit to a urine test or a test of his or
2716 her breath-alcohol or blood-alcohol level. The officer shall
2717 take the person's driver ~~driver's~~ license and issue the person a
2718 10-day temporary permit if the person is otherwise eligible for
2719 the driving privilege and shall issue the person a notice of
2720 suspension. If a blood test has been administered, the officer
2721 or the agency employing the officer shall transmit such results
2722 to the department within 5 days after receipt of the results. If
2723 the department then determines that the person had a blood-
2724 alcohol level or breath-alcohol level of 0.08 or higher, the
2725 department shall suspend the person's driver ~~driver's~~ license
2726 pursuant to subsection (3).

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2727 (b) The suspension under paragraph (a) shall be pursuant
2728 to, and the notice of suspension shall inform the driver of, the
2729 following:
2730 1.a. The driver refused to submit to a lawful breath,
2731 blood, or urine test and his or her driving privilege is
2732 suspended for a period of 1 year for a first refusal or for a
2733 period of 18 months if his or her driving privilege has been
2734 previously suspended as a result of a refusal to submit to such
2735 a test; or
2736 b. The driver was driving or in actual physical control of
2737 a motor vehicle and had an unlawful blood-alcohol level or
2738 breath-alcohol level of 0.08 or higher and his or her driving
2739 privilege is suspended for a period of 6 months for a first
2740 offense or for a period of 1 year if his or her driving
2741 privilege has been previously suspended under this section.
2742 2. The suspension period shall commence on the date of
2743 issuance of the notice of suspension.
2744 3. The driver may request a formal or informal review of
2745 the suspension by the department within 10 days after the date
2746 of issuance of the notice of suspension.
2747 4. The temporary permit issued at the time of suspension
2748 expires at midnight of the 10th day following the date of
2749 issuance of the notice of suspension.
2750 5. The driver may submit to the department any materials
2751 relevant to the suspension.
2752 (2)(a) Except as provided in paragraph (1)(a), the law
2753 enforcement officer shall forward to the department, within 5
2754 days after issuing the notice of suspension, the driver ~~driver's~~
2755 license; an affidavit stating the officer's grounds for belief

2756 that the person was driving or in actual physical control of a
2757 motor vehicle while under the influence of alcoholic beverages
2758 or chemical or controlled substances; the results of any breath
2759 or blood test or an affidavit stating that a breath, blood, or
2760 urine test was requested by a law enforcement officer or
2761 correctional officer and that the person refused to submit; the
2762 officer's description of the person's field sobriety test, if
2763 any; and the notice of suspension. The failure of the officer to
2764 submit materials within the 5-day period specified in this
2765 subsection and in subsection (1) does not affect the
2766 department's ability to consider any evidence submitted at or
2767 prior to the hearing.
2768 (b) The officer may also submit a copy of the crash report
2769 and a copy of a video recording ~~videotape~~ of the field sobriety
2770 test or the attempt to administer such test. Materials submitted
2771 to the department by a law enforcement agency or correctional
2772 agency shall be considered self-authenticating and shall be in
2773 the record for consideration by the hearing officer.
2774 Notwithstanding s. 316.066(5), the crash report shall be
2775 considered by the hearing officer.
2776 (3) If the department determines that the license should be
2777 suspended pursuant to this section and if the notice of
2778 suspension has not already been served upon the person by a law
2779 enforcement officer or correctional officer as provided in
2780 subsection (1), the department shall issue a notice of
2781 suspension and, unless the notice is mailed pursuant to s.
2782 322.251, a temporary permit that expires 10 days after the date
2783 of issuance if the driver is otherwise eligible.
2784 (4) If the person whose license was suspended requests an

2785 informal review pursuant to subparagraph (1)(b)3., the
2786 department shall conduct the informal review by a hearing
2787 officer designated ~~employed~~ by the department. Such informal
2788 review hearing shall consist solely of an examination by the
2789 department of the materials submitted by a law enforcement
2790 officer or correctional officer and by the person whose license
2791 was suspended, and the presence of an officer or witness is not
2792 required.
2793 (5) After completion of the informal review, notice of the
2794 department's decision sustaining, amending, or invalidating the
2795 suspension of the driver ~~driver's~~ license of the person whose
2796 license was suspended must be provided to such person. Such
2797 notice must be mailed to the person at the last known address
2798 shown on the department's records, or to the address provided in
2799 the law enforcement officer's report if such address differs
2800 from the address of record, within 21 days after the expiration
2801 of the temporary permit issued pursuant to subsection (1) or
2802 subsection (3).
2803 (6)(a) If the person whose license was suspended requests a
2804 formal review, the department must schedule a hearing ~~to be held~~
2805 within 30 days after such request is received by the department
2806 and must notify the person of the date, time, and place of the
2807 hearing.
2808 (b) Such formal review hearing shall be held before a
2809 hearing officer designated ~~employed~~ by the department, and the
2810 hearing officer shall be authorized to administer oaths, examine
2811 witnesses and take testimony, receive relevant evidence, issue
2812 subpoenas for the officers and witnesses identified in documents
2813 provided under paragraph (2)(a) ~~in subsection (2)~~, regulate the

2814 course and conduct of the hearing, question witnesses, and make
2815 a ruling on the suspension. The hearing officer may conduct
2816 hearings using communications technology. The party requesting
2817 the presence of a witness shall be responsible for the payment
2818 of any witness fees and for notifying in writing the state
2819 attorney's office in the appropriate circuit of the issuance of
2820 the subpoena. If the person who requests a formal review hearing
2821 fails to appear and the hearing officer finds such failure to be
2822 without just cause, the right to a formal hearing is waived and
2823 the suspension shall be sustained.
2824 (c) The failure of a subpoenaed witness to appear at the
2825 formal review hearing is not grounds to invalidate the
2826 suspension. If a witness fails to appear, a party may seek
2827 enforcement of a subpoena under paragraph (b) by filing a
2828 petition for enforcement in the circuit court of the judicial
2829 circuit in which the person failing to comply with the subpoena
2830 resides or by filing a motion for enforcement in any criminal
2831 court case resulting from the driving or actual physical control
2832 of a motor vehicle that gave rise to the suspension under this
2833 section. A failure to comply with an order of the court shall
2834 result in a finding of contempt of court. However, a person is
2835 not in contempt while a subpoena is being challenged.
2836 (d) The department must, within 7 working days after a
2837 formal review hearing, send notice to the person of the hearing
2838 officer's decision as to whether sufficient cause exists to
2839 sustain, amend, or invalidate the suspension.
2840 (7) In a formal review hearing under subsection (6) or an
2841 informal review hearing under subsection (4), the hearing
2842 officer shall determine by a preponderance of the evidence

2843 whether sufficient cause exists to sustain, amend, or invalidate
2844 the suspension. The scope of the review shall be limited to the
2845 following issues:
2846 (a) If the license was suspended for driving with an
2847 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2848 higher:
2849 1. Whether the law enforcement officer had probable cause
2850 to believe that the person whose license was suspended was
2851 driving or in actual physical control of a motor vehicle in this
2852 state while under the influence of alcoholic beverages or
2853 chemical or controlled substances.
2854 2. Whether the person whose license was suspended had an
2855 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2856 higher as provided in s. 316.193.
2857 (b) If the license was suspended for refusal to submit to a
2858 breath, blood, or urine test:
2859 1. Whether the law enforcement officer had probable cause
2860 to believe that the person whose license was suspended was
2861 driving or in actual physical control of a motor vehicle in this
2862 state while under the influence of alcoholic beverages or
2863 chemical or controlled substances.
2864 2. Whether the person whose license was suspended refused
2865 to submit to any such test after being requested to do so by a
2866 law enforcement officer or correctional officer.
2867 3. Whether the person whose license was suspended was told
2868 that if he or she refused to submit to such test his or her
2869 privilege to operate a motor vehicle would be suspended for a
2870 period of 1 year or, in the case of a second or subsequent
2871 refusal, for a period of 18 months.

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2872 (8) Based on the determination of the hearing officer
2873 pursuant to subsection (7) for both informal hearings under
2874 subsection (4) and formal hearings under subsection (6), the
2875 department shall:
2876 (a) Sustain the suspension of the person's driving
2877 privilege for a period of 1 year for a first refusal, or for a
2878 period of 18 months if the driving privilege of such person has
2879 been previously suspended as a result of a refusal to submit to
2880 such tests, if the person refused to submit to a lawful breath,
2881 blood, or urine test. The suspension period commences on the
2882 date of issuance of the notice of suspension.
2883 (b) Sustain the suspension of the person's driving
2884 privilege for a period of 6 months for a blood-alcohol level or
2885 breath-alcohol level of 0.08 or higher, or for a period of 1
2886 year if the driving privilege of such person has been previously
2887 suspended under this section as a result of driving with an
2888 unlawful alcohol level. The suspension period commences on the
2889 date of issuance of the notice of suspension.
2890 (9) A request for a formal review hearing or an informal
2891 review hearing shall not stay the suspension of the person's
2892 driver ~~driver's~~ license. If the department fails to schedule the
2893 formal review hearing ~~to be held~~ within 30 days after receipt of
2894 the request therefor, the department shall invalidate the
2895 suspension. If the scheduled hearing is continued at the
2896 department's initiative or the driver enforces the subpoena as
2897 provided in subsection (6), the department shall issue a
2898 temporary driving permit that shall be valid until the hearing
2899 is conducted if the person is otherwise eligible for the driving
2900 privilege. Such permit may not be issued to a person who sought

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2901 and obtained a continuance of the hearing. The permit issued
2902 under this subsection shall authorize driving for business or
2903 employment use only.
2904 (10) A person whose driver ~~driver's~~ license is suspended
2905 under subsection (1) or subsection (3) may apply for issuance of
2906 a license for business or employment purposes only if the person
2907 is otherwise eligible for the driving privilege pursuant to s.
2908 322.271.
2909 (a) If the suspension of the driver ~~driver's~~ license of the
2910 person for failure to submit to a breath, urine, or blood test
2911 is sustained, the person is not eligible to receive a license
2912 for business or employment purposes only, pursuant to s.
2913 322.271, until 90 days have elapsed after the expiration of the
2914 last temporary permit issued. If the driver is not issued a 10-
2915 day permit pursuant to this section or s. 322.64 because he or
2916 she is ineligible for the permit and the suspension for failure
2917 to submit to a breath, urine, or blood test is not invalidated
2918 by the department, the driver is not eligible to receive a
2919 business or employment license pursuant to s. 322.271 until 90
2920 days have elapsed from the date of the suspension.
2921 (b) If the suspension of the driver ~~driver's~~ license of the
2922 person relating to unlawful blood-alcohol level or breath-
2923 alcohol level of 0.08 or higher is sustained, the person is not
2924 eligible to receive a license for business or employment
2925 purposes only pursuant to s. 322.271 until 30 days have elapsed
2926 after the expiration of the last temporary permit issued. If the
2927 driver is not issued a 10-day permit pursuant to this section or
2928 s. 322.64 because he or she is ineligible for the permit and the
2929 suspension relating to unlawful blood-alcohol level or breath-

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2930 alcohol level of 0.08 or higher is not invalidated by the
2931 department, the driver is not eligible to receive a business or
2932 employment license pursuant to s. 322.271 until 30 days have
2933 elapsed from the date of the suspension.
2934 (11) The formal review hearing may be conducted upon a
2935 review of the reports of a law enforcement officer or a
2936 correctional officer, including documents relating to the
2937 administration of a breath test or blood test or the refusal to
2938 take either test or the refusal to take a urine test. However,
2939 as provided in subsection (6), the driver may subpoena the
2940 officer or any person who administered or analyzed a breath or
2941 blood test. If the arresting officer or the breath technician
2942 fails to appear pursuant to a subpoena as provided in subsection
2943 (6), the department shall invalidate the suspension.
2944 (12) The formal review hearing and the informal review
2945 hearing are exempt from the provisions of chapter 120. The
2946 department may adopt rules for the conduct of reviews under this
2947 section.
2948 (13) A person may appeal any decision of the department
2949 sustaining a suspension of his or her driver ~~driver's~~ license by
2950 a petition for writ of certiorari to the circuit court in the
2951 county wherein such person resides or wherein a formal or
2952 informal review was conducted pursuant to s. 322.31. However, an
2953 appeal shall not stay the suspension. A law enforcement agency
2954 may appeal any decision of the department invalidating a
2955 suspension by a petition for writ of certiorari to the circuit
2956 court in the county wherein a formal or informal review was
2957 conducted. This subsection shall not be construed to provide for
2958 a de novo review ~~appeal~~.

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2959 (14)(a) The decision of the department under this section
2960 or any circuit court review thereof may not be considered in any
2961 trial for a violation of s. 316.193, and a written statement
2962 submitted by a person in his or her request for departmental
2963 review under this section may not be admitted into evidence
2964 against him or her in any such trial.
2965 (b) The disposition of any related criminal proceedings
2966 does not affect a suspension for refusal to submit to a blood,
2967 breath, or urine test imposed under this section.
2968 (15) If the department suspends a person's license under s.
2969 322.2616, it may not also suspend the person's license under
2970 this section for the same episode that was the basis for the
2971 suspension under s. 322.2616.
2972 (16) The department shall invalidate a suspension for
2973 driving with an unlawful blood-alcohol level or breath-alcohol
2974 level imposed under this section if the suspended person is
2975 found not guilty at trial of an underlying violation of s.
2976 316.193.
2977 Section 43. Section 322.2616, Florida Statutes, is amended
2978 to read:
2979 322.2616 Suspension of license; persons under 21 years of
2980 age; right to review.—
2981 (1)(a) Notwithstanding s. 316.193, it is unlawful for a
2982 person under the age of 21 who has a blood-alcohol or breath-
2983 alcohol level of 0.02 or higher to drive or be in actual
2984 physical control of a motor vehicle.
2985 (b) A law enforcement officer who has probable cause to
2986 believe that a motor vehicle is being driven by or is in the
2987 actual physical control of a person who is under the age of 21

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2988 while under the influence of alcoholic beverages or who has any
2989 blood-alcohol or breath-alcohol level may lawfully detain such a
2990 person and may request that person to submit to a test to
2991 determine his or her blood-alcohol or breath-alcohol level.
2992 (2)(a) A law enforcement officer or correctional officer
2993 shall, on behalf of the department, suspend the driving
2994 privilege of such person if the person has a blood-alcohol or
2995 breath-alcohol level of 0.02 or higher. The officer shall also
2996 suspend, on behalf of the department, the driving privilege of a
2997 person who has refused to submit to a test as provided by
2998 paragraph (b). The officer shall take the person's driver
2999 ~~driver's~~ license and issue the person a 10-day temporary driving
3000 permit if the person is otherwise eligible for the driving
3001 privilege and shall issue the person a notice of suspension.
3002 (b) The suspension under paragraph (a) must be pursuant to,
3003 and the notice of suspension must inform the driver of, the
3004 following:
3005 1.a. The driver refused to submit to a lawful breath test
3006 and his or her driving privilege is suspended for a period of 1
3007 year for a first refusal or for a period of 18 months if his or
3008 her driving privilege has been previously suspended as provided
3009 in this section as a result of a refusal to submit to a test; or
3010 b. The driver was under the age of 21 and was driving or in
3011 actual physical control of a motor vehicle while having a blood-
3012 alcohol or breath-alcohol level of 0.02 or higher; and the
3013 person's driving privilege is suspended for a period of 6 months
3014 for a first violation, or for a period of 1 year if his or her
3015 driving privilege has been previously suspended as provided in
3016 this section for driving or being in actual physical control of

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3017 a motor vehicle with a blood-alcohol or breath-alcohol level of
3018 0.02 or higher.
3019 2. The suspension period commences on the date of issuance
3020 of the notice of suspension.
3021 3. The driver may request a formal or informal review of
3022 the suspension by the department within 10 days after the
3023 issuance of the notice of suspension.
3024 4. A temporary permit issued at the time of the issuance of
3025 the notice of suspension shall not become effective until after
3026 12 hours have elapsed and will expire at midnight of the 10th
3027 day following the date of issuance.
3028 5. The driver may submit to the department any materials
3029 relevant to the suspension of his or her license.
3030 (c) When a driver subject to this section has a blood-
3031 alcohol or breath-alcohol level of 0.05 or higher, the
3032 suspension shall remain in effect until such time as the driver
3033 has completed a substance abuse course offered by a DUI program
3034 licensed by the department. The driver shall assume the
3035 reasonable costs for the substance abuse course. As part of the
3036 substance abuse course, the program shall conduct a substance
3037 abuse evaluation of the driver, and notify the parents or legal
3038 guardians of drivers under the age of 19 years of the results of
3039 the evaluation. The term "substance abuse" means the abuse of
3040 alcohol or any substance named or described in Schedules I
3041 through V of s. 893.03. If a driver fails to complete the
3042 substance abuse education course and evaluation, the driver
3043 ~~driver's~~ license shall not be reinstated by the department.
3044 (d) A minor under the age of 18 years proven to be driving
3045 with a blood-alcohol or breath-alcohol level of 0.02 or higher

3046 may be taken by a law enforcement officer to the addictions
3047 receiving facility in the county in which the minor is found to
3048 be so driving, if the county makes the addictions receiving
3049 facility available for such purpose.
3050 (3) The law enforcement officer shall forward to the
3051 department, within 5 days after the date of the issuance of the
3052 notice of suspension, a copy of the notice of suspension, the
3053 driver ~~driver's~~ license of the person receiving the notice of
3054 suspension, and an affidavit stating the officer's grounds for
3055 belief that the person was under the age of 21 and was driving
3056 or in actual physical control of a motor vehicle with any blood-
3057 alcohol or breath-alcohol level, and the results of any blood or
3058 breath test or an affidavit stating that a breath test was
3059 requested by a law enforcement officer or correctional officer
3060 and that the person refused to submit to such test. The failure
3061 of the officer to submit materials within the 5-day period
3062 specified in this subsection does not bar the department from
3063 considering any materials submitted at or before the hearing.
3064 (4) If the department finds that the license of the person
3065 should be suspended under this section and if the notice of
3066 suspension has not already been served upon the person by a law
3067 enforcement officer or correctional officer as provided in
3068 subsection (2), the department shall issue a notice of
3069 suspension and, unless the notice is mailed under s. 322.251, a
3070 temporary driving permit that expires 10 days after the date of
3071 issuance if the driver is otherwise eligible.
3072 (5) If the person whose license is suspended requests an
3073 informal review under subparagraph (2)(b)3., the department
3074 shall conduct the informal review by a hearing officer

3075 designated ~~employed~~ by the department within 30 days after the
3076 request is received by the department and shall issue such
3077 person a temporary driving permit for business purposes only to
3078 expire on the date that such review is scheduled to be conducted
3079 if the person is otherwise eligible. The informal review hearing
3080 must consist solely of an examination by the department of the
3081 materials submitted by a law enforcement officer or correctional
3082 officer and by the person whose license is suspended, and the
3083 presence of an officer or witness is not required.
3084 (6) After completion of the informal review, notice of the
3085 department's decision sustaining, amending, or invalidating the
3086 suspension of the driver ~~driver's~~ license must be provided to
3087 the person. The notice must be mailed to the person at the last
3088 known address shown on the department's records, or to the
3089 address provided in the law enforcement officer's report if such
3090 address differs from the address of record, within 7 days after
3091 completing the review.
3092 (7)(a) If the person whose license is suspended requests a
3093 formal review, the department must schedule a hearing to be held
3094 within 30 days after the request is received by the department
3095 and must notify the person of the date, time, and place of the
3096 hearing and shall issue such person a temporary driving permit
3097 for business purposes only to expire on the date that such
3098 review is scheduled to be conducted if the person is otherwise
3099 eligible.
3100 (b) The formal review hearing must be held before a hearing
3101 officer designated ~~employed~~ by the department, and the hearing
3102 officer may administer oaths, examine witnesses and take
3103 testimony, receive relevant evidence, issue subpoenas, regulate

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3104 the course and conduct of the hearing, and make a ruling on the
3105 suspension. The hearing officer may conduct hearings using
3106 communications technology. The department and the person whose
3107 license was suspended may subpoena witnesses, and the party
3108 requesting the presence of a witness is responsible for paying
3109 any witness fees and for notifying in writing the state
3110 attorney's office in the appropriate circuit of the issuance of
3111 the subpoena. If the person who requests a formal review hearing
3112 fails to appear and the hearing officer finds the failure to be
3113 without just cause, the right to a formal hearing is waived and
3114 the suspension is sustained.
3115 (c) The failure of a subpoenaed witness to appear at the
3116 formal review hearing shall not be grounds to invalidate the
3117 suspension. If a witness fails to appear, a party may seek
3118 enforcement of a subpoena under paragraph (b) by filing a
3119 petition for enforcement in the circuit court of the judicial
3120 circuit in which the person failing to comply with the subpoena
3121 resides. A failure to comply with an order of the court
3122 constitutes contempt of court. However, a person may not be held
3123 in contempt while a subpoena is being challenged.
3124 (d) The department must, within 7 working days after a
3125 formal review hearing, send notice to the person of the hearing
3126 officer's decision as to whether sufficient cause exists to
3127 sustain, amend, or invalidate the suspension.
3128 (8) In a formal review hearing under subsection (7) or an
3129 informal review hearing under subsection (5), the hearing
3130 officer shall determine by a preponderance of the evidence
3131 whether sufficient cause exists to sustain, amend, or invalidate
3132 the suspension. The scope of the review is limited to the

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3133 following issues:
3134 (a) If the license was suspended because the individual,
3135 then under the age of 21, drove with a blood-alcohol or breath-
3136 alcohol level of 0.02 or higher:
3137 1. Whether the law enforcement officer had probable cause
3138 to believe that the person was under the age of 21 and was
3139 driving or in actual physical control of a motor vehicle in this
3140 state with any blood-alcohol or breath-alcohol level or while
3141 under the influence of alcoholic beverages.
3142 2. Whether the person was under the age of 21.
3143 3. Whether the person had a blood-alcohol or breath-alcohol
3144 level of 0.02 or higher.
3145 (b) If the license was suspended because of the
3146 individual's refusal to submit to a breath test:
3147 1. Whether the law enforcement officer had probable cause
3148 to believe that the person was under the age of 21 and was
3149 driving or in actual physical control of a motor vehicle in this
3150 state with any blood-alcohol or breath-alcohol level or while
3151 under the influence of alcoholic beverages.
3152 2. Whether the person was under the age of 21.
3153 3. Whether the person refused to submit to a breath test
3154 after being requested to do so by a law enforcement officer or
3155 correctional officer.
3156 4. Whether the person was told that if he or she refused to
3157 submit to a breath test his or her privilege to operate a motor
3158 vehicle would be suspended for a period of 1 year or, in the
3159 case of a second or subsequent refusal, for a period of 18
3160 months.
3161 (9) Based on the determination of the hearing officer under

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3162 subsection (8) for both informal hearings under subsection (5)
3163 and formal hearings under subsection (7), the department shall:
3164 (a) Sustain the suspension of the person's driving
3165 privilege for a period of 1 year for a first refusal, or for a
3166 period of 18 months if the driving privilege of the person has
3167 been previously suspended, as provided in this section, as a
3168 result of a refusal to submit to a test. The suspension period
3169 commences on the date of the issuance of the notice of
3170 suspension.
3171 (b) Sustain the suspension of the person's driving
3172 privilege for a period of 6 months for driving or being in
3173 actual physical control of a motor vehicle while under the age
3174 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
3175 higher, or for a period of 1 year if the driving privilege of
3176 such person has been previously suspended under this section.
3177 The suspension period commences on the date of the issuance of
3178 the notice of suspension.
3179 (10) A request for a formal review hearing or an informal
3180 review hearing shall not stay the suspension of the person's
3181 driver ~~driver's~~ license. If the department fails to schedule the
3182 formal review hearing ~~to be held~~ within 30 days after receipt of
3183 the request therefor, the department shall invalidate the
3184 suspension. If the scheduled hearing is continued at the
3185 department's initiative or the driver enforces the subpoena as
3186 provided in subsection (7), the department shall issue a
3187 temporary driving permit that is valid until the hearing is
3188 conducted if the person is otherwise eligible for the driving
3189 privilege. The permit shall not be issued to a person who
3190 requested a continuance of the hearing. The permit issued under

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3191 this subsection authorizes driving for business or employment
3192 use only.
3193 (11) A person whose driver ~~driver's~~ license is suspended
3194 under subsection (2) or subsection (4) may apply for issuance of
3195 a license for business or employment purposes only, pursuant to
3196 s. 322.271, if the person is otherwise eligible for the driving
3197 privilege. However, such a license may not be issued until 30
3198 days have elapsed after the expiration of the last temporary
3199 driving permit issued under this section.
3200 (12) The formal review hearing may be conducted upon a
3201 review of the reports of a law enforcement officer or
3202 correctional officer, including documents relating to the
3203 administration of a breath test or the refusal to take a test.
3204 However, as provided in subsection (7), the driver may subpoena
3205 the officer or any person who administered a breath or blood
3206 test. If the officer who suspended the driving privilege fails
3207 to appear pursuant to a subpoena as provided in subsection (7),
3208 the department shall invalidate the suspension.
3209 (13) The formal review hearing and the informal review
3210 hearing are exempt from chapter 120. The department may adopt
3211 rules for conducting reviews under this section.
3212 (14) A person may appeal any decision of the department
3213 sustaining a suspension of his or her driver ~~driver's~~ license by
3214 a petition for writ of certiorari to the circuit court in the
3215 county wherein such person resides or wherein a formal or
3216 informal review was conducted under s. 322.31. However, an
3217 appeal does not stay the suspension. This subsection does not
3218 provide for a de novo review ~~appeal~~.
3219 (15) The decision of the department under this section

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3220 shall not be considered in any trial for a violation of s.
3221 316.193, nor shall any written statement submitted by a person
3222 in his or her request for departmental review under this section
3223 be admissible into evidence against him or her in any such
3224 trial. The disposition of any related criminal proceedings shall
3225 not affect a suspension imposed under this section.
3226 (16) By applying for and accepting and using a driver
3227 ~~driver's~~ license, a person under the age of 21 years who holds
3228 the driver ~~driver's~~ license is deemed to have expressed his or
3229 her consent to the provisions of this section.
3230 (17) A breath test to determine breath-alcohol level
3231 pursuant to this section may be conducted as authorized by s.
3232 316.1932 or by a breath-alcohol test device listed in the United
3233 States Department of Transportation's conforming-product list of
3234 evidential breath-measurement devices. The reading from such a
3235 device is presumed accurate and is admissible in evidence in any
3236 administrative hearing conducted under this section.
3237 (18) The result of a blood test obtained during an
3238 investigation conducted under s. 316.1932 or s. 316.1933 may be
3239 used to suspend the driving privilege of a person under this
3240 section.
3241 (19) A violation of this section is neither a traffic
3242 infraction nor a criminal offense, nor does being detained
3243 pursuant to this section constitute an arrest. A violation of
3244 this section is subject to the administrative action provisions
3245 of this section, which are administered by the department
3246 through its administrative processes. Administrative actions
3247 taken pursuant to this section shall be recorded in the motor
3248 vehicle records maintained by the department. This section does

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3249 not bar prosecution under s. 316.193. However, if the department
3250 suspends a person's license under s. 322.2615 for a violation of
3251 s. 316.193, it may not also suspend the person's license under
3252 this section for the same episode that was the basis for the
3253 suspension under s. 322.2615.
3254 Section 44. Section 322.64, Florida Statutes, is amended to
3255 read:
3256 322.64 Holder of commercial driver ~~driver's~~ license;
3257 persons operating a commercial motor vehicle; driving with
3258 unlawful blood-alcohol level; refusal to submit to breath,
3259 urine, or blood test.—
3260 (1)(a) A law enforcement officer or correctional officer
3261 shall, on behalf of the department, disqualify from operating
3262 any commercial motor vehicle a person who while operating or in
3263 actual physical control of a commercial motor vehicle is
3264 arrested for a violation of s. 316.193, relating to unlawful
3265 blood-alcohol level or breath-alcohol level, or a person who has
3266 refused to submit to a breath, urine, or blood test authorized
3267 by s. 322.63 or s. 316.1932 arising out of the operation or
3268 actual physical control of a commercial motor vehicle. A law
3269 enforcement officer or correctional officer shall, on behalf of
3270 the department, disqualify the holder of a commercial driver
3271 ~~driver's~~ license from operating any commercial motor vehicle if
3272 the licenseholder, while operating or in actual physical control
3273 of a motor vehicle, is arrested for a violation of s. 316.193,
3274 relating to unlawful blood-alcohol level or breath-alcohol
3275 level, or refused to submit to a breath, urine, or blood test
3276 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
3277 the person, the officer shall take the person's driver ~~driver's~~

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3278 license and issue the person a 10-day temporary permit for the
3279 operation of noncommercial vehicles only if the person is
3280 otherwise eligible for the driving privilege and shall issue the
3281 person a notice of disqualification. If the person has been
3282 given a blood, breath, or urine test, the results of which are
3283 not available to the officer at the time of the arrest, the
3284 agency employing the officer shall transmit such results to the
3285 department within 5 days after receipt of the results. If the
3286 department then determines that the person had a blood-alcohol
3287 level or breath-alcohol level of 0.08 or higher, the department
3288 shall disqualify the person from operating a commercial motor
3289 vehicle pursuant to subsection (3).
3290 (b) For purposes of determining the period of
3291 disqualification described in 49 C.F.R. s. 383.51, a
3292 disqualification under paragraph (a) shall be considered a
3293 conviction.
3294 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
3295 pursuant to, and the notice of disqualification shall inform the
3296 driver of, the following:
3297 1.a. The driver refused to submit to a lawful breath,
3298 blood, or urine test and he or she is disqualified from
3299 operating a commercial motor vehicle for the time period
3300 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
3301 ~~first refusal, or permanently, if he or she has previously been~~
3302 ~~disqualified under this section~~; or
3303 b. The driver had an unlawful blood-alcohol level of 0.08
3304 or higher while ~~was~~ driving or in actual physical control of a
3305 commercial motor vehicle, or any motor vehicle if the driver
3306 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~

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3307 ~~blood alcohol level or breath alcohol level of 0.08 or higher,~~
3308 and his or her driving privilege is ~~shall be~~ disqualified for
3309 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
3310 ~~year for a first offense or permanently disqualified if his or~~
3311 ~~her driving privilege has been previously disqualified under~~
3312 ~~this section~~.
3313 2. The disqualification period for operating commercial
3314 vehicles shall commence on the date of issuance of the notice of
3315 disqualification.
3316 3. The driver may request a formal or informal review of
3317 the disqualification by the department within 10 days after the
3318 date of issuance of the notice of disqualification.
3319 4. The temporary permit issued at the time of
3320 disqualification expires at midnight of the 10th day following
3321 the date of disqualification.
3322 5. The driver may submit to the department any materials
3323 relevant to the disqualification.
3324 (2)(a) Except as provided in paragraph (1)(a), the law
3325 enforcement officer shall forward to the department, within 5
3326 days after the date of the issuance of the notice of
3327 disqualification, a copy of the notice of disqualification, the
3328 driver ~~driver's~~ license of the person disqualified, and an
3329 affidavit stating the officer's grounds for belief that the
3330 person disqualified was operating or in actual physical control
3331 of a commercial motor vehicle, or holds a commercial driver
3332 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
3333 alcohol level; the results of any breath or blood or urine test
3334 or an affidavit stating that a breath, blood, or urine test was
3335 requested by a law enforcement officer or correctional officer

3336 and that the person arrested refused to submit; a copy of the
3337 notice of disqualification issued to the person; and the
3338 officer's description of the person's field sobriety test, if
3339 any. The failure of the officer to submit materials within the
3340 5-day period specified in this subsection or subsection (1) does
3341 not affect the department's ability to consider any evidence
3342 submitted at or prior to the hearing.
3343 (b) The officer may also submit a copy of a video recording
3344 ~~videotape~~ of the field sobriety test or the attempt to
3345 administer such test and a copy of the crash report~~, if any~~.
3346 Notwithstanding s. 316.066, the crash report shall be considered
3347 by the hearing officer.
3348 (3) If the department determines that the person arrested
3349 should be disqualified from operating a commercial motor vehicle
3350 pursuant to this section and if the notice of disqualification
3351 has not already been served upon the person by a law enforcement
3352 officer or correctional officer as provided in subsection (1),
3353 the department shall issue a notice of disqualification and,
3354 unless the notice is mailed pursuant to s. 322.251, a temporary
3355 permit which expires 10 days after the date of issuance if the
3356 driver is otherwise eligible.
3357 (4) If the person disqualified requests an informal review
3358 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
3359 conduct the informal review by a hearing officer designated
3360 ~~employed~~ by the department. Such informal review hearing shall
3361 consist solely of an examination by the department of the
3362 materials submitted by a law enforcement officer or correctional
3363 officer and by the person disqualified, and the presence of an
3364 officer or witness is not required.

3365 (5) After completion of the informal review, notice of the
3366 department's decision sustaining, amending, or invalidating the
3367 disqualification must be provided to the person. Such notice
3368 must be mailed to the person at the last known address shown on
3369 the department's records, and to the address provided in the law
3370 enforcement officer's report if such address differs from the
3371 address of record, within 21 days after the expiration of the
3372 temporary permit issued pursuant to subsection (1) or subsection
3373 (3).
3374 (6)(a) If the person disqualified requests a formal review,
3375 the department must schedule a hearing to be held within 30 days
3376 after such request is received by the department and must notify
3377 the person of the date, time, and place of the hearing.
3378 (b) Such formal review hearing shall be held before a
3379 hearing officer designated ~~employed~~ by the department, and the
3380 hearing officer shall be authorized to administer oaths, examine
3381 witnesses and take testimony, receive relevant evidence, issue
3382 subpoenas for the officers and witnesses identified in documents
3383 provided under paragraph (2)(a) ~~as provided in subsection (2)~~,
3384 regulate the course and conduct of the hearing, and make a
3385 ruling on the disqualification. The hearing officer may conduct
3386 hearings using communications technology. The department and the
3387 person disqualified may subpoena witnesses, and the party
3388 requesting the presence of a witness shall be responsible for
3389 the payment of any witness fees. If the person who requests a
3390 formal review hearing fails to appear and the hearing officer
3391 finds such failure to be without just cause, the right to a
3392 formal hearing is waived.
3393 (c) The failure of a subpoenaed witness to appear at the

3394 formal review hearing shall not be grounds to invalidate the
3395 disqualification. If a witness fails to appear, a party may seek
3396 enforcement of a subpoena under paragraph (b) by filing a
3397 petition for enforcement in the circuit court of the judicial
3398 circuit in which the person failing to comply with the subpoena
3399 resides or by filing a motion for enforcement in any criminal
3400 court case resulting from the driving or actual physical control
3401 of a motor vehicle or commercial motor vehicle that gave rise to
3402 the disqualification under this section. A failure to comply
3403 with an order of the court shall result in a finding of contempt
3404 of court. However, a person shall not be in contempt while a
3405 subpoena is being challenged.
3406 (d) The department must, within 7 working days after a
3407 formal review hearing, send notice to the person of the hearing
3408 officer's decision as to whether sufficient cause exists to
3409 sustain, amend, or invalidate the disqualification.
3410 (7) In a formal review hearing under subsection (6) or an
3411 informal review hearing under subsection (4), the hearing
3412 officer shall determine by a preponderance of the evidence
3413 whether sufficient cause exists to sustain, amend, or invalidate
3414 the disqualification. The scope of the review shall be limited
3415 to the following issues:
3416 (a) If the person was disqualified from operating a
3417 commercial motor vehicle for driving with an unlawful blood-
3418 alcohol level:
3419 1. Whether the ~~arresting~~ law enforcement officer had
3420 probable cause to believe that the person was driving or in
3421 actual physical control of a commercial motor vehicle, or any
3422 motor vehicle if the driver holds a commercial driver ~~driver's~~

3423 license, in this state while he or she had any alcohol, chemical
3424 substances, or controlled substances in his or her body.
3425 2. Whether the person had an unlawful blood-alcohol level
3426 or breath-alcohol level of 0.08 or higher.
3427 (b) If the person was disqualified from operating a
3428 commercial motor vehicle for refusal to submit to a breath,
3429 blood, or urine test:
3430 1. Whether the law enforcement officer had probable cause
3431 to believe that the person was driving or in actual physical
3432 control of a commercial motor vehicle, or any motor vehicle if
3433 the driver holds a commercial driver ~~driver's~~ license, in this
3434 state while he or she had any alcohol, chemical substances, or
3435 controlled substances in his or her body.
3436 2. Whether the person refused to submit to the test after
3437 being requested to do so by a law enforcement officer or
3438 correctional officer.
3439 3. Whether the person was told that if he or she refused to
3440 submit to such test he or she would be disqualified from
3441 operating a commercial motor vehicle for a period of 1 year or,
3442 if previously disqualified under this section, permanently.
3443 (8) Based on the determination of the hearing officer
3444 pursuant to subsection (7) for both informal hearings under
3445 subsection (4) and formal hearings under subsection (6), the
3446 department shall~~:~~
3447 ~~(a)~~ sustain the disqualification for the time period
3448 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
3449 ~~refusal, or permanently if such person has been previously~~
3450 ~~disqualified from operating a commercial motor vehicle under~~
3451 ~~this section~~. The disqualification period commences on the date

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3452 of the issuance of the notice of disqualification.
3453 ~~(b) Sustain the disqualification:~~
3454 ~~1. For a period of 1 year if the person was driving or in~~
3455 ~~actual physical control of a commercial motor vehicle, or any~~
3456 ~~motor vehicle if the driver holds a commercial driver's license,~~
3457 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
3458 ~~of 0.08 or higher; or~~
3459 ~~2. Permanently if the person has been previously~~
3460 ~~disqualified from operating a commercial motor vehicle under~~
3461 ~~this section or his or her driving privilege has been previously~~
3462 ~~suspended for driving or being in actual physical control of a~~
3463 ~~commercial motor vehicle, or any motor vehicle if the driver~~
3464 ~~holds a commercial driver's license, and had an unlawful blood-~~
3465 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~
3466
3467 ~~The disqualification period commences on the date of the~~
3468 ~~issuance of the notice of disqualification.~~
3469 (9) A request for a formal review hearing or an informal
3470 review hearing shall not stay the disqualification. If the
3471 department fails to schedule the formal review hearing ~~to be~~
3472 ~~held~~ within 30 days after receipt of the request therefor, the
3473 department shall invalidate the disqualification. If the
3474 scheduled hearing is continued at the department's initiative or
3475 the driver enforces the subpoena as provided in subsection (6),
3476 the department shall issue a temporary driving permit limited to
3477 noncommercial vehicles which is valid until the hearing is
3478 conducted if the person is otherwise eligible for the driving
3479 privilege. Such permit shall not be issued to a person who
3480 sought and obtained a continuance of the hearing. The permit

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3481 issued under this subsection shall authorize driving for
3482 business purposes only.
3483 (10) A person who is disqualified from operating a
3484 commercial motor vehicle under subsection (1) or subsection (3)
3485 is eligible for issuance of a license for business or employment
3486 purposes only under s. 322.271 if the person is otherwise
3487 eligible for the driving privilege. However, such business or
3488 employment purposes license shall not authorize the driver to
3489 operate a commercial motor vehicle.
3490 (11) The formal review hearing may be conducted upon a
3491 review of the reports of a law enforcement officer or a
3492 correctional officer, including documents relating to the
3493 administration of a breath test or blood test or the refusal to
3494 take either test. However, as provided in subsection (6), the
3495 driver may subpoena the officer or any person who administered
3496 or analyzed a breath or blood test. If the arresting officer or
3497 the breath technician fails to appear pursuant to a subpoena as
3498 provided in subsection (6), the department shall invalidate the
3499 disqualification.
3500 (12) The formal review hearing and the informal review
3501 hearing are exempt from the provisions of chapter 120. The
3502 department may ~~is authorized to~~ adopt rules for the conduct of
3503 reviews under this section.
3504 (13) A person may appeal any decision of the department
3505 sustaining the disqualification from operating a commercial
3506 motor vehicle by a petition for writ of certiorari to the
3507 circuit court in the county wherein such person resides or
3508 wherein a formal or informal review was conducted pursuant to s.
3509 322.31. However, an appeal shall not stay the disqualification.

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3510 This subsection shall not be construed to provide for a de novo
3511 review ~~appeal~~.
3512 (14) The decision of the department under this section
3513 shall not be considered in any trial for a violation of s.
3514 316.193, s. 322.61, or s. 322.62, nor shall any written
3515 statement submitted by a person in his or her request for
3516 departmental review under this section be admissible into
3517 evidence against him or her in any such trial. The disposition
3518 of any related criminal proceedings shall not affect a
3519 disqualification imposed pursuant to this section.
3520 (15) This section does not preclude the suspension of the
3521 driving privilege pursuant to s. 322.2615. The driving privilege
3522 of a person who has been disqualified from operating a
3523 commercial motor vehicle also may be suspended for a violation
3524 of s. 316.193.
3525 Section 45. Section 322.2715, Florida Statutes, is amended
3526 to read:
3527 322.2715 Ignition interlock device.—
3528 (1) Before issuing a permanent or restricted driver
3529 ~~driver's~~ license under this chapter, the department shall
3530 require the placement of a department-approved ignition
3531 interlock device for any person convicted of committing an
3532 offense of driving under the influence as specified in
3533 subsection (3), except that consideration may be given to those
3534 individuals having a documented medical condition that would
3535 prohibit the device from functioning normally. If a medical
3536 waiver has been granted for a convicted person seeking a
3537 restricted license, the convicted person shall not be entitled
3538 to a restricted license until the required ignition interlock

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3539 device installation period under subsection (3) expires, in
3540 addition to the time requirements under s. 322.271. If a medical
3541 waiver has been approved for a convicted person seeking
3542 permanent reinstatement of the driver license, the convicted
3543 person must be restricted to an employment-purposes-only license
3544 and be supervised by a licensed DUI program until the required
3545 ignition interlock device installation period under subsection
3546 (3) expires. An interlock device shall be placed on all vehicles
3547 that are individually or jointly leased or owned and routinely
3548 operated by the convicted person.
3549 (2) For purposes of this section, any conviction for a
3550 violation of s. 316.193, a previous conviction for a violation
3551 of former s. 316.1931, or a conviction outside this state for
3552 driving under the influence, driving while intoxicated, driving
3553 with an unlawful blood-alcohol level, or any other similar
3554 alcohol-related or drug-related traffic offense is a conviction
3555 of driving under the influence.
3556 (3) If the person is convicted of:
3557 (a) A first offense of driving under the influence under s.
3558 316.193 and has an unlawful blood-alcohol level or breath-
3559 alcohol level as specified in s. 316.193(4), or if a person is
3560 convicted of a violation of s. 316.193 and was at the time of
3561 the offense accompanied in the vehicle by a person younger than
3562 18 years of age, the person shall have the ignition interlock
3563 device installed for at least ~~not less than~~ 6 continuous months
3564 for the first offense and for at least ~~not less than~~ 2
3565 continuous years for a second offense.
3566 (b) A second offense of driving under the influence, the
3567 ignition interlock device shall be installed for a period of at

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3568 least ~~not less than~~ 1 continuous year.
3569 (c) A third offense of driving under the influence which
3570 occurs within 10 years after a prior conviction for a violation
3571 of s. 316.193, the ignition interlock device shall be installed
3572 for a period of at least ~~not less than~~ 2 continuous years.
3573 (d) A third offense of driving under the influence which
3574 occurs more than 10 years after the date of a prior conviction,
3575 the ignition interlock device shall be installed for a period of
3576 at least ~~not less than~~ 2 continuous years.
3577 (e) A fourth or subsequent offense of driving under the
3578 influence, the ignition interlock device shall be installed for
3579 a period of at least ~~not less than~~ 5 years.
3580 (4) If the court fails to order the mandatory placement of
3581 the ignition interlock device or fails to order for the
3582 applicable period the mandatory placement of an ignition
3583 interlock device under s. 316.193 or s. 316.1937 at the time of
3584 imposing sentence or within 30 days thereafter, the department
3585 shall immediately require that the ignition interlock device be
3586 installed as provided in this section, except that consideration
3587 may be given to those individuals having a documented medical
3588 condition that would prohibit the device from functioning
3589 normally. This subsection applies to the reinstatement of the
3590 driving privilege following a revocation, suspension, or
3591 cancellation that is based upon a conviction for the offense of
3592 driving under the influence which occurs on or after July 1,
3593 2005.
3594 (5) In addition to any fees authorized by rule for the
3595 installation and maintenance of the ignition interlock device,
3596 the authorized installer of the device shall collect and remit

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3597 $12 for each installation to the department, which shall be
3598 deposited into the Highway Safety Operating Trust Fund to be
3599 used for the operation of the Ignition Interlock Device Program.
3600 Section 46. Section 322.28, Florida Statutes, is amended to
3601 read:
3602 322.28 Period of suspension or revocation.—
3603 (1) Unless otherwise provided by this section, the
3604 department shall not suspend a license for a period of more than
3605 1 year and, upon revoking a license, in any case except in a
3606 prosecution for the offense of driving a motor vehicle while
3607 under the influence of alcoholic beverages, chemical substances
3608 as set forth in s. 877.111, or controlled substances, shall not
3609 in any event grant a new license until the expiration of 1 year
3610 after such revocation.
3611 (2) In a prosecution for a violation of s. 316.193 or
3612 former s. 316.1931, the following provisions apply:
3613 (a) Upon conviction of the driver, the court, along with
3614 imposing sentence, shall revoke the driver ~~driver's~~ license or
3615 driving privilege of the person so convicted, effective on the
3616 date of conviction, and shall prescribe the period of such
3617 revocation in accordance with the following provisions:
3618 1. Upon a first conviction for a violation of the
3619 provisions of s. 316.193, except a violation resulting in death,
3620 the driver ~~driver's~~ license or driving privilege shall be
3621 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
3622 1 year.
3623 2. Upon a second conviction for an offense that occurs
3624 within a period of 5 years after the date of a prior conviction
3625 for a violation of the provisions of s. 316.193 or former s.

3626 316.1931 or a combination of such sections, the driver ~~driver's~~
3627 license or driving privilege shall be revoked for at least ~~not~~
3628 ~~less than~~ 5 years.
3629 3. Upon a third conviction for an offense that occurs
3630 within a period of 10 years after the date of a prior conviction
3631 for the violation of the provisions of s. 316.193 or former s.
3632 316.1931 or a combination of such sections, the driver ~~driver's~~
3633 license or driving privilege shall be revoked for at least ~~not~~
3634 ~~less than~~ 10 years.
3635
3636 For the purposes of this paragraph, a previous conviction
3637 outside this state for driving under the influence, driving
3638 while intoxicated, driving with an unlawful blood-alcohol level,
3639 or any other alcohol-related or drug-related traffic offense
3640 similar to the offense of driving under the influence as
3641 proscribed by s. 316.193 will be considered a previous
3642 conviction for violation of s. 316.193, and a conviction for
3643 violation of former s. 316.028, former s. 316.1931, or former s.
3644 860.01 is considered a conviction for violation of s. 316.193.
3645 (b) If the period of revocation was not specified by the
3646 court at the time of imposing sentence or within 30 days
3647 thereafter, and is not otherwise specified by law, the
3648 department shall forthwith revoke the driver ~~driver's~~ license or
3649 driving privilege for the maximum period applicable under
3650 paragraph (a) for a first conviction and for the minimum period
3651 applicable under paragraph (a) for any subsequent convictions.
3652 The driver may, within 30 days after such revocation by the
3653 department, petition the court for further hearing on the period
3654 of revocation, and the court may reopen the case and determine

3655 the period of revocation within the limits specified in
3656 paragraph (a).
3657 (c) The forfeiture of bail bond, not vacated within 20
3658 days, in any prosecution for the offense of driving while under
3659 the influence of alcoholic beverages, chemical substances, or
3660 controlled substances to the extent of depriving the defendant
3661 of his or her normal faculties shall be deemed equivalent to a
3662 conviction for the purposes of this paragraph, and the
3663 department shall forthwith revoke the defendant's driver
3664 ~~driver's~~ license or driving privilege for the maximum period
3665 applicable under paragraph (a) for a first conviction and for
3666 the minimum period applicable under paragraph (a) for a second
3667 or subsequent conviction; however, if the defendant is later
3668 convicted of the charge, the period of revocation imposed by the
3669 department for such conviction shall not exceed the difference
3670 between the applicable maximum for a first conviction or minimum
3671 for a second or subsequent conviction and the revocation period
3672 under this subsection that has actually elapsed; upon conviction
3673 of such charge, the court may impose revocation for a period of
3674 time as specified in paragraph (a). This paragraph does not
3675 apply if an appropriate motion contesting the forfeiture is
3676 filed within the 20-day period.
3677 ~~(d) When any driver's license or driving privilege has been~~
3678 ~~revoked pursuant to the provisions of this section, the~~
3679 ~~department shall not grant a new license, except upon~~
3680 ~~reexamination of the licensee after the expiration of the period~~
3681 ~~of revocation so prescribed. However, the court may, in its~~
3682 ~~sound discretion, issue an order of reinstatement on a form~~
3683 ~~furnished by the department which the person may take to any~~

3684 ~~driver's license examining office for reinstatement by the~~
3685 ~~department pursuant to s. 322.282.~~
3686 (d) ~~(e)~~ The court shall permanently revoke the driver
3687 ~~driver's~~ license or driving privilege of a person who has been
3688 convicted four times for violation of s. 316.193 or former s.
3689 316.1931 or a combination of such sections. The court shall
3690 permanently revoke the driver ~~driver's~~ license or driving
3691 privilege of any person who has been convicted of DUI
3692 manslaughter in violation of s. 316.193. If the court has not
3693 permanently revoked such driver ~~driver's~~ license or driving
3694 privilege within 30 days after imposing sentence, the department
3695 shall permanently revoke the driver ~~driver's~~ license or driving
3696 privilege pursuant to this paragraph. No driver ~~driver's~~ license
3697 or driving privilege may be issued or granted to any such
3698 person. This paragraph applies only if at least one of the
3699 convictions for violation of s. 316.193 or former s. 316.1931
3700 was for a violation that occurred after July 1, 1982. For the
3701 purposes of this paragraph, a conviction for violation of former
3702 s. 316.028, former s. 316.1931, or former s. 860.01 is also
3703 considered a conviction for violation of s. 316.193. Also, a
3704 conviction of driving under the influence, driving while
3705 intoxicated, driving with an unlawful blood-alcohol level, or
3706 any other similar alcohol-related or drug-related traffic
3707 offense outside this state is considered a conviction for the
3708 purposes of this paragraph.
3709 (e) Convictions that occur on the same date resulting from
3710 separate offense dates shall be treated as separate convictions,
3711 and the offense that occurred earlier will be deemed a prior
3712 conviction for the purposes of this section.

3713 (3) The court shall permanently revoke the driver ~~driver's~~
3714 license or driving privilege of a person who has been convicted
3715 of murder resulting from the operation of a motor vehicle. No
3716 driver ~~driver's~~ license or driving privilege may be issued or
3717 granted to any such person.
3718 (4)(a) Upon a conviction for a violation of s.
3719 316.193(3)(c)2., involving serious bodily injury, a conviction
3720 of manslaughter resulting from the operation of a motor vehicle,
3721 or a conviction of vehicular homicide, the court shall revoke
3722 the driver ~~driver's~~ license of the person convicted for a
3723 minimum period of 3 years. If a conviction under s.
3724 316.193(3)(c)2., involving serious bodily injury, is also a
3725 subsequent conviction as described under paragraph (2)(a), the
3726 court shall revoke the driver ~~driver's~~ license or driving
3727 privilege of the person convicted for the period applicable as
3728 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(c)~~.
3729 (b) If the period of revocation was not specified by the
3730 court at the time of imposing sentence or within 30 days
3731 thereafter, the department shall revoke the driver ~~driver's~~
3732 license for the minimum period applicable under paragraph (a)
3733 or, for a subsequent conviction, for the minimum period
3734 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(c)~~.
3735 (5) A court may not stay the administrative suspension of a
3736 driving privilege under s. 322.2615 or s. 322.2616 during
3737 judicial review of the departmental order that resulted in such
3738 suspension, and a suspension or revocation of a driving
3739 privilege may not be stayed upon an appeal of the conviction or
3740 order that resulted in the suspension or revocation.
3741 (6) In a prosecution for a violation of s. 316.172(1), and

3742 upon a showing of the department's records that the licensee has
3743 received a second conviction within 5 years following the date
3744 of a prior conviction of s. 316.172(1), the department shall,
3745 upon direction of the court, suspend the driver ~~driver's~~ license
3746 of the person convicted for a period of at least ~~not less than~~
3747 90 days but not ~~or~~ more than 6 months.
3748 (7) Following a second or subsequent violation of s.
3749 796.07(2)(f) which involves a motor vehicle and which results in
3750 any judicial disposition other than acquittal or dismissal, in
3751 addition to any other sentence imposed, the court shall revoke
3752 the person's driver ~~driver's~~ license or driving privilege,
3753 effective upon the date of the disposition, for a period of at
3754 least ~~not less than~~ 1 year. A person sentenced under this
3755 subsection may request a hearing under s. 322.271.
3756 Section 47. Section 322.331, Florida Statutes, is repealed.
3757 Section 48. Section 322.61, Florida Statutes, is amended to
3758 read:
3759 322.61 Disqualification from operating a commercial motor
3760 vehicle.—
3761 (1) A person who, for offenses occurring within a 3-year
3762 period, is convicted of two of the following serious traffic
3763 violations or any combination thereof, arising in separate
3764 incidents committed in a commercial motor vehicle shall, in
3765 addition to any other applicable penalties, be disqualified from
3766 operating a commercial motor vehicle for a period of 60 days. A
3767 holder of a commercial driver ~~driver's~~ license or commercial
3768 learner's permit who, for offenses occurring within a 3-year
3769 period, is convicted of two of the following serious traffic
3770 violations, or any combination thereof, arising in separate

3771 incidents committed in a noncommercial motor vehicle shall, in
3772 addition to any other applicable penalties, be disqualified from
3773 operating a commercial motor vehicle for a period of 60 days if
3774 such convictions result in the suspension, revocation, or
3775 cancellation of the licenseholder's driving privilege:
3776 (a) A violation of any state or local law relating to motor
3777 vehicle traffic control, other than a parking violation, ~~a~~
3778 ~~weight violation, or a vehicle equipment violation,~~ arising in
3779 connection with a crash resulting in death ~~or personal injury to~~
3780 ~~any person~~;
3781 (b) Reckless driving, as defined in s. 316.192;
3782 ~~(c) Careless driving, as defined in s. 316.1925;~~
3783 ~~(d) Fleeing or attempting to elude a law enforcement~~
3784 ~~officer, as defined in s. 316.1935;~~
3785 (c)~~(e)~~ Unlawful speed of 15 miles per hour or more above
3786 the posted speed limit;
3787 ~~(f) Driving a commercial motor vehicle, owned by such~~
3788 ~~person, which is not properly insured;~~
3789 (d)~~(g)~~ Improper lane change, as defined in s. 316.085;
3790 (e)~~(h)~~ Following too closely, as defined in s. 316.0895;
3791 (f)~~(i)~~ Driving a commercial vehicle without obtaining a
3792 commercial driver ~~driver's~~ license;
3793 (g)~~(j)~~ Driving a commercial vehicle without the proper
3794 class of commercial driver ~~driver's~~ license or commercial
3795 learner's permit or without the proper endorsement; or
3796 (h)~~(k)~~ Driving a commercial vehicle without a commercial
3797 driver ~~driver's~~ license or commercial learner's permit in
3798 possession, as required by s. 322.03. ~~Any individual who~~
3799 ~~provides proof to the clerk of the court or designated official~~

3800 ~~in the jurisdiction where the citation was issued, by the date~~
3801 ~~the individual must appear in court or pay any fine for such a~~
3802 ~~violation, that the individual held a valid commercial driver's~~
3803 ~~license on the date the citation was issued is not guilty of~~
3804 ~~this offense.~~
3805 (2)(a) Any person who, for offenses occurring within a 3-
3806 year period, is convicted of three serious traffic violations
3807 specified in subsection (1) or any combination thereof, arising
3808 in separate incidents committed in a commercial motor vehicle
3809 shall, in addition to any other applicable penalties, including
3810 but not limited to the penalty provided in subsection (1), be
3811 disqualified from operating a commercial motor vehicle for a
3812 period of 120 days.
3813 (b) A holder of a commercial driver ~~driver's~~ license or
3814 commercial learner's permit who, for offenses occurring within a
3815 3-year period, is convicted of three serious traffic violations
3816 specified in subsection (1) or any combination thereof arising
3817 in separate incidents committed in a noncommercial motor vehicle
3818 shall, in addition to any other applicable penalties, including,
3819 but not limited to, the penalty provided in subsection (1), be
3820 disqualified from operating a commercial motor vehicle for a
3821 period of 120 days if such convictions result in the suspension,
3822 revocation, or cancellation of the licenseholder's driving
3823 privilege.
3824 (3)(a) Except as provided in subsection (4), any person who
3825 is convicted of one of the offenses listed in paragraph (b)
3826 while operating a commercial motor vehicle shall, in addition to
3827 any other applicable penalties, be disqualified from operating a
3828 commercial motor vehicle for a period of 1 year.

3829 (b) Except as provided in subsection (4), any holder of a
3830 commercial driver license or commercial learner's permit who is
3831 convicted of one of the offenses listed in this paragraph while
3832 operating a noncommercial motor vehicle shall, in addition to
3833 any other applicable penalties, be disqualified from operating a
3834 commercial motor vehicle for a period of 1 year:
3835 1. Driving a motor vehicle while he or she is under the
3836 influence of alcohol or a controlled substance;
3837 2. Driving a commercial motor vehicle while the alcohol
3838 concentration of his or her blood, breath, or urine is .04
3839 percent or higher;
3840 3. Leaving the scene of a crash involving a motor vehicle
3841 driven by such person;
3842 4. Using a motor vehicle in the commission of a felony;
3843 ~~5. Driving a commercial motor vehicle while in possession~~
3844 ~~of a controlled substance;~~
3845 5.~~6.~~ Refusing to submit to a test to determine his or her
3846 alcohol concentration while driving a motor vehicle;
3847 6. Driving a commercial motor vehicle when, as a result of
3848 prior violations committed operating a commercial motor vehicle,
3849 his or her commercial driver license or commercial learner's
3850 permit is revoked, suspended, or canceled, or he or she is
3851 disqualified from operating a commercial motor vehicle; or
3852 ~~7. Driving a commercial vehicle while the licenseholder's~~
3853 ~~commercial driver license is suspended, revoked, or canceled or~~
3854 ~~while the licenseholder is disqualified from driving a~~
3855 ~~commercial vehicle; or~~
3856 7.~~8.~~ Causing a fatality through the negligent operation of
3857 a commercial motor vehicle.

3858 (4) Any person who is transporting hazardous materials as
3859 defined in s. 322.01(24) shall, upon conviction of an offense
3860 specified in subsection (3), be disqualified from operating a
3861 commercial motor vehicle for a period of 3 years. The penalty
3862 provided in this subsection shall be in addition to any other
3863 applicable penalty.
3864 (5) A person who is convicted of two violations specified
3865 in subsection (3) which were committed while operating a
3866 commercial motor vehicle, or any combination thereof, arising in
3867 separate incidents shall be permanently disqualified from
3868 operating a commercial motor vehicle. A holder of a commercial
3869 driver license or commercial learner's permit who is convicted
3870 of two violations specified in subsection (3) which were
3871 committed while operating any motor vehicle arising in separate
3872 incidents shall be permanently disqualified from operating a
3873 commercial motor vehicle. The penalty provided in this
3874 subsection is in addition to any other applicable penalty.
3875 (6) Notwithstanding subsections (3), (4), and (5), any
3876 person who uses a commercial motor vehicle in the commission of
3877 any felony involving the manufacture, distribution, or
3878 dispensing of a controlled substance, including possession with
3879 intent to manufacture, distribute, or dispense a controlled
3880 substance, shall, upon conviction of such felony, be permanently
3881 disqualified from operating a commercial motor vehicle.
3882 Notwithstanding subsections (3), (4), and (5), any holder of a
3883 commercial driver ~~driver's~~ license or commercial learner's
3884 permit who uses a noncommercial motor vehicle in the commission
3885 of any felony involving the manufacture, distribution, or
3886 dispensing of a controlled substance, including possession with

3887 intent to manufacture, distribute, or dispense a controlled
3888 substance, shall, upon conviction of such felony, be permanently
3889 disqualified from operating a commercial motor vehicle. The
3890 penalty provided in this subsection is in addition to any other
3891 applicable penalty.
3892 (7) A person whose privilege to operate a commercial motor
3893 vehicle is disqualified under this section may, if otherwise
3894 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
3895 to s. 322.251.
3896 (8) A driver who is convicted of or otherwise found to have
3897 committed a violation of an out-of-service order while driving a
3898 commercial motor vehicle is disqualified as follows:
3899 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1
3900 year if the driver is convicted of or otherwise found to have
3901 committed a first violation of an out-of-service order.
3902 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
3903 years if, for offenses occurring during any 10-year period, the
3904 driver is convicted of or otherwise found to have committed two
3905 violations of out-of-service orders in separate incidents.
3906 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
3907 years if, for offenses occurring during any 10-year period, the
3908 driver is convicted of or otherwise found to have committed
3909 three or more violations of out-of-service orders in separate
3910 incidents.
3911 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 2
3912 years if the driver is convicted of or otherwise found to have
3913 committed a first violation of an out-of-service order while
3914 transporting hazardous materials required to be placarded under
3915 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101

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3916 et seq., or while operating motor vehicles designed to transport
3917 more than 15 passengers, including the driver. A driver is
3918 disqualified for a period of at least ~~not less than~~ 3 years but
3919 not ~~nor~~ more than 5 years if, for offenses occurring during any
3920 10-year period, the driver is convicted of or otherwise found to
3921 have committed any subsequent violations of out-of-service
3922 orders, in separate incidents, while transporting hazardous
3923 materials required to be placarded under the Hazardous Materials
3924 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
3925 operating motor vehicles designed to transport more than 15
3926 passengers, including the driver.
3927 (9) A driver who is convicted of or otherwise found to have
3928 committed an offense of operating a commercial motor vehicle in
3929 violation of federal, state, or local law or regulation
3930 pertaining to one of the following six offenses at a railroad-
3931 highway grade crossing must be disqualified for the period of
3932 time specified in subsection (10):
3933 (a) For drivers who are not always required to stop,
3934 failing to slow down and check that the tracks are clear of
3935 approaching trains.
3936 (b) For drivers who are not always required to stop,
3937 failing to stop before reaching the crossing if the tracks are
3938 not clear.
3939 (c) For drivers who are always required to stop, failing to
3940 stop before driving onto the crossing.
3941 (d) For all drivers, failing to have sufficient space to
3942 drive completely through the crossing without stopping.
3943 (e) For all drivers, failing to obey a traffic control
3944 device or all directions of an enforcement official at the

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3945 crossing.
3946 (f) For all drivers, failing to negotiate a crossing
3947 because of insufficient undercarriage clearance.
3948 (10)(a) A driver must be disqualified for at least ~~not less~~
3949 ~~than~~ 60 days if the driver is convicted of or otherwise found to
3950 have committed a first violation of a railroad-highway grade
3951 crossing violation.
3952 (b) A driver must be disqualified for at least ~~not less~~
3953 ~~than~~ 120 days if, for offenses occurring during any 3-year
3954 period, the driver is convicted of or otherwise found to have
3955 committed a second railroad-highway grade crossing violation in
3956 separate incidents.
3957 (c) A driver must be disqualified for at least ~~not less~~
3958 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
3959 the driver is convicted of or otherwise found to have committed
3960 a third or subsequent railroad-highway grade crossing violation
3961 in separate incidents.
3962 Section 49. Paragraph (a) of subsection (1) of section
3963 324.0221, Florida Statutes, is amended to read:
3964 324.0221 Reports by insurers to the department; suspension
3965 of driver ~~driver's~~ license and vehicle registrations;
3966 reinstatement.—
3967 (1)(a) Each insurer that has issued a policy providing
3968 personal injury protection coverage or property damage liability
3969 coverage shall report the ~~renewal,~~ cancellation~~,~~ or nonrenewal
3970 thereof to the department within 10 ~~45~~ days after the processing
3971 ~~effective~~ date of each ~~renewal,~~ cancellation~~,~~ or nonrenewal.
3972 Upon the issuance of a policy providing personal injury
3973 protection coverage or property damage liability coverage to a

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3974 named insured not previously insured by the insurer during that
3975 calendar year, the insurer shall report the issuance of the new
3976 policy to the department within 10 ~~30~~ days. The report shall be
3977 in the form and format and contain any information required by
3978 the department and must be provided in a format that is
3979 compatible with the data processing capabilities of the
3980 department. The department may adopt rules regarding the form
3981 and documentation required. Failure by an insurer to file proper
3982 reports with the department as required by this subsection or
3983 rules adopted with respect to the requirements of this
3984 subsection constitutes a violation of the Florida Insurance
3985 Code. These records shall be used by the department only for
3986 enforcement and regulatory purposes, including the generation by
3987 the department of data regarding compliance by owners of motor
3988 vehicles with the requirements for financial responsibility
3989 coverage.
3990 Section 50. Section 324.031, Florida Statutes, is amended
3991 to read:
3992 324.031 Manner of proving financial responsibility.—The
3993 owner or operator of a taxicab, limousine, jitney, or any other
3994 for-hire passenger transportation vehicle may prove financial
3995 responsibility by providing satisfactory evidence of holding a
3996 motor vehicle liability policy as defined in s. 324.021(8) or s.
3997 324.151, which policy is issued by an insurance carrier which is
3998 a member of the Florida Insurance Guaranty Association. The
3999 operator or owner of any other vehicle may prove his or her
4000 financial responsibility by:
4001 (1) Furnishing satisfactory evidence of holding a motor
4002 vehicle liability policy as defined in ss. 324.021(8) and

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4003 324.151;
4004 ~~(2) Posting with the department a satisfactory bond of a~~
4005 ~~surety company authorized to do business in this state,~~
4006 ~~conditioned for payment of the amount specified in s.~~
4007 ~~324.021(7),~~
4008 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~
4009 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
4010 with s. 324.161; or
4011 (3)~~(4)~~ Furnishing a certificate of self-insurance issued by
4012 the department in accordance with s. 324.171.
4013
4014 Any person, including any firm, partnership, association,
4015 corporation, or other person, other than a natural person,
4016 electing to use the method of proof specified in subsection (2)
4017 ~~or subsection (3)~~ shall furnish a certificate of ~~post a bond or~~
4018 deposit equal to the number of vehicles owned times $30,000, to
4019 a maximum of $120,000; in addition, any such person, other than
4020 a natural person, shall maintain insurance providing coverage in
4021 excess of limits of $10,000/20,000/10,000 or $30,000 combined
4022 single limits, and such excess insurance shall provide minimum
4023 limits of $125,000/250,000/50,000 or $300,000 combined single
4024 limits. These increased limits shall not affect the requirements
4025 for proving financial responsibility under s. 324.032(1).
4026 Section 51. Subsection (1) of section 324.091, Florida
4027 Statutes, is amended to read:
4028 324.091 Notice to department; notice to insurer.—
4029 (1) Each owner and operator involved in a crash or
4030 conviction case within the purview of this chapter shall furnish
4031 evidence of automobile liability insurance or~~,~~ motor vehicle

4032 liability insurance~~, or a surety bond~~ within 14 days after the
4033 date of the mailing of notice of crash by the department in the
4034 form and manner as it may designate. Upon receipt of evidence
4035 that an automobile liability policy or~~,~~ motor vehicle liability
4036 policy~~, or surety bond~~ was in effect at the time of the crash or
4037 conviction case, the department shall forward ~~by United States~~
4038 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~
4039 ~~of~~ such information for verification in a method as determined
4040 by the department. ~~and shall assume that the policy or bond was~~
4041 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
4042 ~~notifies~~ the department ~~otherwise~~ within 20 days after ~~the~~
4043 ~~mailing of~~ the notice whether or not such information is valid
4044 ~~to the insurer or surety insurer~~. ~~However,~~ If the department
4045 ~~later~~ determines that an automobile liability policy or~~,~~ motor
4046 vehicle liability policy~~, or surety bond~~ was not in effect and
4047 did not provide coverage for both the owner and the operator, it
4048 shall take action as it is ~~otherwise~~ authorized to do under this
4049 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
4050 ~~be made by the department by naming the insurer or surety~~
4051 ~~insurer to whom the mailing was made and by specifying the time,~~
4052 ~~place, and manner of mailing.~~
4053 Section 52. Section 324.161, Florida Statutes, is amended
4054 to read:
4055 324.161 Proof of financial responsibility; ~~surety bond or~~
4056 deposit.—Annually, before any certificate of insurance may be
4057 issued to a person, including any firm, partnership,
4058 association, corporation, or other person, other than a natural
4059 person, proof of a certificate of deposit of $30,000 issued and
4060 held by a financial institution must be submitted to the

4061 department. A power of attorney will be issued to and held by
4062 the department and may be executed upon ~~The certificate of the~~
4063 ~~department of a deposit may be obtained by depositing with it~~
4064 ~~$30,000 cash or securities such as may be legally purchased by~~
4065 ~~savings banks or for trust funds, of a market value of $30,000~~
4066 ~~and which deposit shall be held by the department to satisfy, in~~
4067 ~~accordance with the provisions of this chapter, any execution on~~
4068 a judgment issued against such person making the deposit, for
4069 damages because of bodily injury to or death of any person or
4070 for damages because of injury to or destruction of property
4071 resulting from the use or operation of any motor vehicle
4072 occurring after such deposit was made. Money ~~or securities~~ so
4073 deposited shall not be subject to attachment or execution unless
4074 such attachment or execution shall arise out of a suit for
4075 damages as aforesaid.
4076 Section 53. Paragraph (a) of subsection (1) of section
4077 328.01, Florida Statutes, is amended to read:
4078 328.01 Application for certificate of title.—
4079 (1)(a) The owner of a vessel which is required to be titled
4080 shall apply to the county tax collector for a certificate of
4081 title. The application shall include the true name of the owner,
4082 the residence or business address of the owner, and the complete
4083 description of the vessel, including the hull identification
4084 number, except that an application for a certificate of title
4085 for a homemade vessel shall state all the foregoing information
4086 except the hull identification number. The application shall be
4087 signed by the owner and shall be accompanied by personal or
4088 business identification and the prescribed fee. An individual
4089 applicant must provide a valid driver license or identification

4090 card issued by this state or another state or a valid passport.
4091 A business applicant must provide a federal employer
4092 identification number, if applicable, verification that the
4093 business is authorized to conduct business in the state, or a
4094 Florida city or county business license or number~~, which may~~
4095 ~~include, but need not be limited to, a driver's license number,~~
4096 ~~Florida identification card number, or federal employer~~
4097 ~~identification number, and the prescribed fee~~.
4098 Section 54. Paragraph (a) of subsection (1) of section
4099 328.48, Florida Statutes, is amended to read:
4100 328.48 Vessel registration, application, certificate,
4101 number, decal, duplicate certificate.—
4102 (1)(a) The owner of each vessel required by this law to pay
4103 a registration fee and secure an identification number shall
4104 file an application with the county tax collector. The
4105 application shall provide the owner's name and address;
4106 residency status; personal or business identification~~, which may~~
4107 ~~include, but need not be limited to, a driver's license number,~~
4108 ~~Florida identification card number, or federal employer~~
4109 ~~identification number~~; and a complete description of the vessel,
4110 and shall be accompanied by payment of the applicable fee
4111 required in s. 328.72. An individual applicant must provide a
4112 valid driver license or identification card issued by this state
4113 or another state or a valid passport. A business applicant must
4114 provide a federal employer identification number, if applicable,
4115 verification that the business is authorized to conduct business
4116 in the state, or a Florida city or county business license or
4117 number. Registration is not required for any vessel that is not
4118 used on the waters of this state.

4119 Section 55. Subsection (1) of section 328.76, Florida
4120 Statutes, is amended to read:
4121 328.76 Marine Resources Conservation Trust Fund; vessel
4122 registration funds; appropriation and distribution.—
4123 (1) Except as otherwise specified in this subsection and
4124 less the amount equal to ~~$1.4 million for~~ any administrative
4125 costs which shall be deposited in the Highway Safety Operating
4126 Trust Fund, in each fiscal year beginning on or after July 1,
4127 2001, all funds collected from the registration of vessels
4128 through the Department of Highway Safety and Motor Vehicles and
4129 the tax collectors of the state, except for those funds
4130 designated as the county portion pursuant to s. 328.72(1), shall
4131 be deposited in the Marine Resources Conservation Trust Fund for
4132 recreational channel marking; public launching facilities; law
4133 enforcement and quality control programs; aquatic weed control;
4134 manatee protection, recovery, rescue, rehabilitation, and
4135 release; and marine mammal protection and recovery. The funds
4136 collected pursuant to s. 328.72(1) shall be transferred as
4137 follows:
4138 (a) In each fiscal year, an amount equal to $1.50 for each
4139 commercial and recreational vessel registered in this state
4140 shall be transferred by the Department of Highway Safety and
4141 Motor Vehicles to the Save the Manatee Trust Fund and shall be
4142 used only for the purposes specified in s. 379.2431(4).
4143 (b) An amount equal to $2 from each recreational vessel
4144 registration fee, except that for class A-1 vessels, shall be
4145 transferred by the Department of Highway Safety and Motor
4146 Vehicles to the Invasive Plant Control Trust Fund in the Fish
4147 and Wildlife Conservation Commission for aquatic weed research

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4148 and control.
4149 (c) An amount equal to 40 percent of the registration fees
4150 from commercial vessels shall be transferred by the Department
4151 of Highway Safety and Motor Vehicles to the Invasive Plant
4152 Control Trust Fund in the Fish and Wildlife Conservation
4153 Commission for aquatic plant research and control.
4154 (d) An amount equal to 40 percent of the registration fees
4155 from commercial vessels shall be transferred by the Department
4156 of Highway Safety and Motor Vehicles, on a monthly basis, to the
4157 General Inspection Trust Fund of the Department of Agriculture
4158 and Consumer Services. These funds shall be used for shellfish
4159 and aquaculture law enforcement and quality control programs.
4160 Section 56. Subsections (1), (2), (3), (4), (9), and (13)
4161 of section 713.585, Florida Statutes, are amended to read:
4162 713.585 Enforcement of lien by sale of motor vehicle.—A
4163 person claiming a lien under s. 713.58 for performing labor or
4164 services on a motor vehicle may enforce such lien by sale of the
4165 vehicle in accordance with the following procedures:
4166 (1) The lienor must give notice, by certified mail, return
4167 receipt requested, within 15 business days, excluding Saturday
4168 and Sunday, from the beginning date of the assessment of storage
4169 charges on said motor vehicle, to the registered owner of the
4170 vehicle, to the customer as indicated on the order for repair,
4171 and to all other persons claiming an interest in or lien
4172 thereon, as disclosed by the records of the Department of
4173 Highway Safety and Motor Vehicles or as disclosed by the records
4174 of any ~~of a~~ corresponding agency of any other state in which the
4175 vehicle is identified through a records check of the National
4176 Motor Vehicle Title Information System as being the current

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4177 state where the vehicle is titled ~~appears registered~~. Such
4178 notice must contain:
4179 (a) A description of the vehicle (year, make, vehicle
4180 identification number) and its location.
4181 (b) The name and address of the owner of the vehicle, the
4182 customer as indicated on the order for repair, and any person
4183 claiming an interest in or lien thereon.
4184 (c) The name, address, and telephone number of the lienor.
4185 (d) Notice that the lienor claims a lien on the vehicle for
4186 labor and services performed and storage charges, if any, and
4187 the cash sum which, if paid to the lienor, would be sufficient
4188 to redeem the vehicle from the lien claimed by the lienor.
4189 (e) Notice that the lien claimed by the lienor is subject
4190 to enforcement pursuant to this section and that the vehicle may
4191 be sold to satisfy the lien.
4192 (f) If known, the date, time, and location of any proposed
4193 or scheduled sale of the vehicle. No vehicle may be sold earlier
4194 than 60 days after completion of the repair work.
4195 (g) Notice that the owner of the vehicle or any person
4196 claiming an interest in or lien thereon has a right to a hearing
4197 at any time prior to the scheduled date of sale by filing a
4198 demand for hearing with the clerk of the circuit court in the
4199 county in which the vehicle is held and mailing copies of the
4200 demand for hearing to all other owners and lienors as reflected
4201 on the notice.
4202 (h) Notice that the owner of the vehicle has a right to
4203 recover possession of the vehicle without instituting judicial
4204 proceedings by posting bond in accordance with the provisions of
4205 s. 559.917.

4206 (i) Notice that any proceeds from the sale of the vehicle
4207 remaining after payment of the amount claimed to be due and
4208 owing to the lienor will be deposited with the clerk of the
4209 circuit court for disposition upon court order pursuant to
4210 subsection (8).
4211 (2) If attempts to locate the owner or lienholder are
4212 unsuccessful after a check of the records of the Department of
4213 Highway Safety and Motor Vehicles and any state disclosed by the
4214 check of the National Motor Vehicle Title Information System,
4215 the lienor must notify the local law enforcement agency in
4216 writing by certified mail or acknowledged hand delivery that the
4217 lienor has been unable to locate the owner or lienholder, that a
4218 physical search of the vehicle has disclosed no ownership
4219 information, and that a good faith effort, including records
4220 checks of the Department of Highway Safety and Motor Vehicles
4221 database and the National Motor Vehicle Title Information
4222 System, has been made. A description of the motor vehicle which
4223 includes the year, make, and identification number must be given
4224 on the notice. This notification must take place within 15
4225 business days, excluding Saturday and Sunday, from the beginning
4226 date of the assessment of storage charges on said motor vehicle.
4227 For purposes of this paragraph, the term "good faith effort"
4228 means that the following checks have been performed by the
4229 company to establish the prior state of registration and title:
4230 (a) A check of the Department of Highway Safety and Motor
4231 Vehicles database for the owner and any lienholder.
4232 (b) A check of the federally mandated electronic National
4233 Motor Vehicle Title Information System to determine the state of
4234 registration when there is not a current title or registration

4235 record for the vehicle on file with the Department of Highway
4236 Safety and Motor Vehicles.
4237 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,
4238 temporary tag, or regular tag;
4239 (d) ~~(b)~~ A check of vehicle for inspection sticker or other
4240 stickers and decals that could indicate the state of possible
4241 registration; and
4242 (e) ~~(c)~~ A check of the interior of the vehicle for any
4243 papers that could be in the glove box, trunk, or other areas for
4244 the state of registration.
4245 (3) If the date of the sale was not included in the notice
4246 required in subsection (1), notice of the sale must be sent by
4247 certified mail, return receipt requested, not less than 15 days
4248 before the date of sale, to the customer as indicated on the
4249 order for repair, and to all other persons claiming an interest
4250 in or lien on the motor vehicle, as disclosed by the records of
4251 the Department of Highway Safety and Motor Vehicles or of a
4252 corresponding agency of any other state in which the vehicle
4253 appears to have been registered after completion of a check of
4254 the National Motor Vehicle Title Information System. ~~After~~
4255 ~~diligent search and inquiry, if the name and address of the~~
4256 ~~registered owner or the owner of the recorded lien cannot be~~
4257 ~~ascertained, the requirements for this notice may be~~
4258 ~~disregarded~~.
4259 (4) The lienor, at least 15 days before the proposed or
4260 scheduled date of sale of the vehicle, shall publish the notice
4261 required by this section once in a newspaper circulated in the
4262 county where the vehicle is held. A certificate of compliance
4263 with the notification provisions of this section, verified by

4264 the lienor, together with a copy of the notice and return
4265 receipt for mailing of the notice required by this section, ~~and~~
4266 proof of publication, and checks of the Department of Highway
4267 Safety and Motor Vehicles and the National Motor Vehicle Title
4268 Information System, must be duly and expeditiously filed with
4269 the clerk of the circuit court in the county where the vehicle
4270 is held. The lienor, at the time of filing the certificate of
4271 compliance, must pay to the clerk of that court a service charge
4272 of $10 for indexing and recording the certificate.
4273 (9) A copy of the certificate of compliance and the report
4274 of sale, certified by the clerk of the court, and proof of the
4275 required check of the National Motor Vehicle Title Information
4276 System shall constitute satisfactory proof for application to
4277 the Department of Highway Safety and Motor Vehicles for transfer
4278 of title, together with any other proof required by any rules
4279 and regulations of the department.
4280 (13) A failure to make good faith efforts as defined in
4281 subsection (2) precludes the imposition of any storage charges
4282 against the vehicle. If a lienor fails to provide notice to any
4283 person claiming a lien on a vehicle under subsection (1) within
4284 15 business days after the assessment of storage charges have
4285 begun, then the lienor is precluded from charging for more than
4286 15 days of storage, but failure to provide timely notice does
4287 not affect charges made for repairs, adjustments, or
4288 modifications to the vehicle or the priority of liens on the
4289 vehicle.
4290 Section 57. Section 713.78, Florida Statutes, is amended to
4291 read:
4292 713.78 Liens for recovering, towing, or storing vehicles

4293 and vessels.—
4294 (1) For the purposes of this section, the term:
4295 (a) "Vehicle" means any mobile item, whether motorized or
4296 not, which is mounted on wheels.
4297 (b) "Vessel" means every description of watercraft, barge,
4298 and airboat used or capable of being used as a means of
4299 transportation on water, other than a seaplane or a "documented
4300 vessel" as defined in s. 327.02(9).
4301 (c) "Wrecker" means any truck or other vehicle which is
4302 used to tow, carry, or otherwise transport motor vehicles or
4303 vessels upon the streets and highways of this state and which is
4304 equipped for that purpose with a boom, winch, car carrier, or
4305 other similar equipment.
4306 (d) "National Motor Vehicle Title Information System" means
4307 the federally authorized electronic National Motor Vehicle Title
4308 Information System.
4309 (2) Whenever a person regularly engaged in the business of
4310 transporting vehicles or vessels by wrecker, tow truck, or car
4311 carrier recovers, removes, or stores a vehicle or vessel upon
4312 instructions from:
4313 (a) The owner thereof;
4314 (b) The owner or lessor, or a person authorized by the
4315 owner or lessor, of property on which such vehicle or vessel is
4316 wrongfully parked, and the removal is done in compliance with s.
4317 715.07; ~~or~~
4318 (c) The landlord or a person authorized by the landlord,
4319 when such motor vehicle or vessel remained on the premises after
4320 the tenancy terminated and the removal is done in compliance
4321 with s. 715.104; or

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4322 (d) ~~(c)~~ Any law enforcement agency,
4323
4324 she or he shall have a lien on the vehicle or vessel for a
4325 reasonable towing fee and for a reasonable storage fee; except
4326 that no storage fee shall be charged if the vehicle is stored
4327 for less than 6 hours.
4328 (3) This section does not authorize any person to claim a
4329 lien on a vehicle for fees or charges connected with the
4330 immobilization of such vehicle using a vehicle boot or other
4331 similar device pursuant to s. 715.07.
4332 (4)(a) Any person regularly engaged in the business of
4333 recovering, towing, or storing vehicles or vessels who comes
4334 into possession of a vehicle or vessel pursuant to subsection
4335 (2), and who claims a lien for recovery, towing, or storage
4336 services, shall give notice to the registered owner, the
4337 insurance company insuring the vehicle notwithstanding the
4338 provisions of s. 627.736, and to all persons claiming a lien
4339 thereon, as disclosed by the records in the Department of
4340 Highway Safety and Motor Vehicles or as disclosed by the records
4341 of any ~~of a~~ corresponding agency in any other state in which the
4342 vehicle is identified through a records check of the National
4343 Motor Vehicle Title Information System as being titled or
4344 registered.
4345 (b) Whenever any law enforcement agency authorizes the
4346 removal of a vehicle or vessel or whenever any towing service,
4347 garage, repair shop, or automotive service, storage, or parking
4348 place notifies the law enforcement agency of possession of a
4349 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
4350 enforcement agency of the jurisdiction where the vehicle or

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4351 vessel is stored shall contact the Department of Highway Safety
4352 and Motor Vehicles, or the appropriate agency of the state of
4353 registration, if known, within 24 hours through the medium of
4354 electronic communications, giving the full description of the
4355 vehicle or vessel. Upon receipt of the full description of the
4356 vehicle or vessel, the department shall search its files to
4357 determine the owner's name, the insurance company insuring the
4358 vehicle or vessel, and whether any person has filed a lien upon
4359 the vehicle or vessel as provided in s. 319.27(2) and (3) and
4360 notify the applicable law enforcement agency within 72 hours.
4361 The person in charge of the towing service, garage, repair shop,
4362 or automotive service, storage, or parking place shall obtain
4363 such information from the applicable law enforcement agency
4364 within 5 days after the date of storage and shall give notice
4365 pursuant to paragraph (a). The department may release the
4366 insurance company information to the requestor notwithstanding
4367 the provisions of s. 627.736.
4368 (c) Notice by certified mail shall be sent within 7
4369 business days after the date of storage of the vehicle or vessel
4370 to the registered owner, the insurance company insuring the
4371 vehicle notwithstanding the provisions of s. 627.736, and all
4372 persons of record claiming a lien against the vehicle or vessel.
4373 It shall state the fact of possession of the vehicle or vessel,
4374 that a lien as provided in subsection (2) is claimed, that
4375 charges have accrued and the amount thereof, that the lien is
4376 subject to enforcement pursuant to law, and that the owner or
4377 lienholder, if any, has the right to a hearing as set forth in
4378 subsection (5), and that any vehicle or vessel which remains
4379 unclaimed, or for which the charges for recovery, towing, or

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4380 storage services remain unpaid, may be sold free of all prior
4381 liens after 35 days if the vehicle or vessel is more than 3
4382 years of age or after 50 days if the vehicle or vessel is 3
4383 years of age or less.
4384 (d) If attempts to locate the name and address of the owner
4385 or lienholder prove unsuccessful, the towing-storage operator
4386 shall, after 7 working days, excluding Saturday and Sunday, of
4387 the initial tow or storage, notify the public agency of
4388 jurisdiction where the vehicle or vessel is stored in writing by
4389 certified mail or acknowledged hand delivery that the towing-
4390 storage company has been unable to locate the name and address
4391 of the owner or lienholder and a physical search of the vehicle
4392 or vessel has disclosed no ownership information and a good
4393 faith effort has been made, including records checks of the
4394 Department of Highway Safety and Motor Vehicles and the National
4395 Motor Vehicle Title Information System databases. For purposes
4396 of this paragraph and subsection (9), "good faith effort" means
4397 that the following checks have been performed by the company to
4398 establish prior state of registration and for title:
4399 1. Check of the Department of Highway Safety and Motor
4400 Vehicles database for the owner and any lienholder.
4401 2. Check of the electronic National Motor Vehicle Title
4402 Information System to determine the state of registration when
4403 there is not a current registration record for the vehicle on
4404 file with the Department of Highway Safety and Motor Vehicles.
4405 3.~~1.~~ Check of vehicle or vessel for any type of tag, tag
4406 record, temporary tag, or regular tag.
4407 4.~~2.~~ Check of law enforcement report for tag number or
4408 other information identifying the vehicle or vessel, if the

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4409 vehicle or vessel was towed at the request of a law enforcement
4410 officer.
4411 5.~~3.~~ Check of trip sheet or tow ticket of tow truck
4412 operator to see if a tag was on vehicle or vessel at beginning
4413 of tow, if private tow.
4414 6.~~4.~~ If there is no address of the owner on the impound
4415 report, check of law enforcement report to see if an out-of-
4416 state address is indicated from driver license information.
4417 7.~~5.~~ Check of vehicle or vessel for inspection sticker or
4418 other stickers and decals that may indicate a state of possible
4419 registration.
4420 8.~~6.~~ Check of the interior of the vehicle or vessel for any
4421 papers that may be in the glove box, trunk, or other areas for a
4422 state of registration.
4423 9.~~7.~~ Check of vehicle for vehicle identification number.
4424 10.~~8.~~ Check of vessel for vessel registration number.
4425 11.~~9.~~ Check of vessel hull for a hull identification number
4426 which should be carved, burned, stamped, embossed, or otherwise
4427 permanently affixed to the outboard side of the transom or, if
4428 there is no transom, to the outmost seaboard side at the end of
4429 the hull that bears the rudder or other steering mechanism.
4430 (5)(a) The owner of a vehicle or vessel removed pursuant to
4431 the provisions of subsection (2), or any person claiming a lien,
4432 other than the towing-storage operator, within 10 days after the
4433 time she or he has knowledge of the location of the vehicle or
4434 vessel, may file a complaint in the county court of the county
4435 in which the vehicle or vessel is stored to determine if her or
4436 his property was wrongfully taken or withheld from her or him.
4437 (b) Upon filing of a complaint, an owner or lienholder may

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4438 have her or his vehicle or vessel released upon posting with the
4439 court a cash or surety bond or other adequate security equal to
4440 the amount of the charges for towing or storage and lot rental
4441 amount to ensure the payment of such charges in the event she or
4442 he does not prevail. Upon the posting of the bond and the
4443 payment of the applicable fee set forth in s. 28.24, the clerk
4444 of the court shall issue a certificate notifying the lienor of
4445 the posting of the bond and directing the lienor to release the
4446 vehicle or vessel. At the time of such release, after reasonable
4447 inspection, she or he shall give a receipt to the towing-storage
4448 company reciting any claims she or he has for loss or damage to
4449 the vehicle or vessel or the contents thereof.
4450 (c) Upon determining the respective rights of the parties,
4451 the court may award damages, attorney's fees, and costs in favor
4452 of the prevailing party. In any event, the final order shall
4453 provide for immediate payment in full of recovery, towing, and
4454 storage fees by the vehicle or vessel owner or lienholder; or
4455 the agency ordering the tow; or the owner, lessee, or agent
4456 thereof of the property from which the vehicle or vessel was
4457 removed.
4458 (6) Any vehicle or vessel which is stored pursuant to
4459 subsection (2) and which remains unclaimed, or for which
4460 reasonable charges for recovery, towing, or storing remain
4461 unpaid, and any contents not released pursuant to subsection
4462 (10), may be sold by the owner or operator of the storage space
4463 for such towing or storage charge after 35 days from the time
4464 the vehicle or vessel is stored therein if the vehicle or vessel
4465 is more than 3 years of age or after 50 days following the time
4466 the vehicle or vessel is stored therein if the vehicle or vessel

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4467 is 3 years of age or less. The sale shall be at public sale for
4468 cash. If the date of the sale was not included in the notice
4469 required in subsection (4), notice of the sale shall be given to
4470 the person in whose name the vehicle or vessel is registered and
4471 to all persons claiming a lien on the vehicle or vessel as shown
4472 on the records of the Department of Highway Safety and Motor
4473 Vehicles or of any ~~the~~ corresponding agency in any other state
4474 in which the vehicle is identified through a records check of
4475 the National Motor Vehicle Title Information System as being
4476 titled. Notice shall be sent by certified mail to the owner of
4477 the vehicle or vessel and the person having the recorded lien on
4478 the vehicle or vessel at the address shown on the records of the
4479 registering agency and shall be mailed not less than 15 days
4480 before the date of the sale. After diligent search and inquiry,
4481 if the name and address of the registered owner or the owner of
4482 the recorded lien cannot be ascertained, the requirements of
4483 notice by mail may be dispensed with. In addition to the notice
4484 by mail, public notice of the time and place of sale shall be
4485 made by publishing a notice thereof one time, at least 10 days
4486 prior to the date of the sale, in a newspaper of general
4487 circulation in the county in which the sale is to be held. The
4488 proceeds of the sale, after payment of reasonable towing and
4489 storage charges, and costs of the sale, in that order of
4490 priority, shall be deposited with the clerk of the circuit court
4491 for the county if the owner or lienholder is absent, and the
4492 clerk shall hold such proceeds subject to the claim of the owner
4493 or lienholder legally entitled thereto. The clerk shall be
4494 entitled to receive 5 percent of such proceeds for the care and
4495 disbursement thereof. The certificate of title issued under this

4496 law shall be discharged of all liens unless otherwise provided
4497 by court order. The owner or lienholder may file a complaint
4498 after the vehicle or vessel has been sold in the county court of
4499 the county in which it is stored. Upon determining the
4500 respective rights of the parties, the court may award damages,
4501 attorney's fees, and costs in favor of the prevailing party.
4502 (7)(a) A wrecker operator recovering, towing, or storing
4503 vehicles or vessels is not liable for damages connected with
4504 such services, theft of such vehicles or vessels, or theft of
4505 personal property contained in such vehicles or vessels,
4506 provided that such services have been performed with reasonable
4507 care and provided, further, that, in the case of removal of a
4508 vehicle or vessel upon the request of a person purporting, and
4509 reasonably appearing, to be the owner or lessee, or a person
4510 authorized by the owner or lessee, of the property from which
4511 such vehicle or vessel is removed, such removal has been done in
4512 compliance with s. 715.07. Further, a wrecker operator is not
4513 liable for damage to a vehicle, vessel, or cargo that obstructs
4514 the normal movement of traffic or creates a hazard to traffic
4515 and is removed in compliance with the request of a law
4516 enforcement officer.
4517 (b) For the purposes of this subsection, a wrecker operator
4518 is presumed to use reasonable care to prevent the theft of a
4519 vehicle or vessel or of any personal property contained in such
4520 vehicle stored in the wrecker operator's storage facility if all
4521 of the following apply:
4522 1. The wrecker operator surrounds the storage facility with
4523 a chain-link or solid-wall type fence at least 6 feet in height;
4524 2. The wrecker operator has illuminated the storage

4525 facility with lighting of sufficient intensity to reveal persons
4526 and vehicles at a distance of at least 150 feet during
4527 nighttime; and
4528 3. The wrecker operator uses one or more of the following
4529 security methods to discourage theft of vehicles or vessels or
4530 of any personal property contained in such vehicles or vessels
4531 stored in the wrecker operator's storage facility:
4532 a. A night dispatcher or watchman remains on duty at the
4533 storage facility from sunset to sunrise;
4534 b. A security dog remains at the storage facility from
4535 sunset to sunrise;
4536 c. Security cameras or other similar surveillance devices
4537 monitor the storage facility; or
4538 d. A security guard service examines the storage facility
4539 at least once each hour from sunset to sunrise.
4540 (c) Any law enforcement agency requesting that a motor
4541 vehicle be removed from an accident scene, street, or highway
4542 must conduct an inventory and prepare a written record of all
4543 personal property found in the vehicle before the vehicle is
4544 removed by a wrecker operator. However, if the owner or driver
4545 of the motor vehicle is present and accompanies the vehicle, no
4546 inventory by law enforcement is required. A wrecker operator is
4547 not liable for the loss of personal property alleged to be
4548 contained in such a vehicle when such personal property was not
4549 identified on the inventory record prepared by the law
4550 enforcement agency requesting the removal of the vehicle.
4551 (8) A person regularly engaged in the business of
4552 recovering, towing, or storing vehicles or vessels, except a
4553 person licensed under chapter 493 while engaged in

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4554 "repossession" activities as defined in s. 493.6101, may not
4555 operate a wrecker, tow truck, or car carrier unless the name,
4556 address, and telephone number of the company performing the
4557 service is clearly printed in contrasting colors on the driver
4558 and passenger sides of its vehicle. The name must be in at least
4559 3-inch permanently affixed letters, and the address and
4560 telephone number must be in at least 1-inch permanently affixed
4561 letters.
4562 (9) Failure to make good faith best efforts to comply with
4563 the notice requirements of this section shall preclude the
4564 imposition of any storage charges against such vehicle or
4565 vessel.
4566 (10) Persons who provide services pursuant to this section
4567 shall permit vehicle or vessel owners, lienholders, insurance
4568 company representatives, or their agents, which agency is
4569 evidenced by an original writing acknowledged by the owner
4570 before a notary public or other person empowered by law to
4571 administer oaths, to inspect the towed vehicle or vessel and
4572 shall release to the owner, lienholder, or agent the vehicle,
4573 vessel, or all personal property not affixed to the vehicle or
4574 vessel which was in the vehicle or vessel at the time the
4575 vehicle or vessel came into the custody of the person providing
4576 such services.
4577 (11)(a) Any person regularly engaged in the business of
4578 recovering, towing, or storing vehicles or vessels who comes
4579 into possession of a vehicle or vessel pursuant to subsection
4580 (2) and who has complied with the provisions of subsections (3)
4581 and (6), when such vehicle or vessel is to be sold for purposes
4582 of being dismantled, destroyed, or changed in such manner that

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4583 it is not the motor vehicle or vessel described in the
4584 certificate of title, shall report the vehicle to the National
4585 Motor Vehicle Title Information System and apply to the
4586 Department of Highway Safety and Motor Vehicles ~~county tax~~
4587 ~~collector~~ for a certificate of destruction. A certificate of
4588 destruction, which authorizes the dismantling or destruction of
4589 the vehicle or vessel described therein, shall be reassignable a
4590 maximum of two times before dismantling or destruction of the
4591 vehicle shall be required, and shall accompany the vehicle or
4592 vessel for which it is issued, when such vehicle or vessel is
4593 sold for such purposes, in lieu of a certificate of title. The
4594 application for a certificate of destruction must include proof
4595 of reporting to the National Motor Vehicle Title Information
4596 System and an affidavit from the applicant that it has complied
4597 with all applicable requirements of this section and, if the
4598 vehicle or vessel is not registered in this state or any other
4599 state, by a statement from a law enforcement officer that the
4600 vehicle or vessel is not reported stolen, and shall be
4601 accompanied by such documentation as may be required by the
4602 department.
4603 (b) The Department of Highway Safety and Motor Vehicles
4604 shall charge a fee of $3 for each certificate of destruction. A
4605 service charge of $4.25 shall be collected and retained by the
4606 tax collector who processes the application.
4607 (c) The Department of Highway Safety and Motor Vehicles may
4608 adopt such rules as it deems necessary or proper for the
4609 administration of this subsection.
4610 (12)(a) Any person who violates any provision of subsection
4611 (1), subsection (2), subsection (4), subsection (5), subsection

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4612 (6), or subsection (7) is guilty of a misdemeanor of the first
4613 degree, punishable as provided in s. 775.082 or s. 775.083.
4614 (b) Any person who violates the provisions of subsections
4615 (8) through (11) is guilty of a felony of the third degree,
4616 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
4617 (c) Any person who uses a false or fictitious name, gives a
4618 false or fictitious address, or makes any false statement in any
4619 application or affidavit required under the provisions of this
4620 section is guilty of a felony of the third degree, punishable as
4621 provided in s. 775.082, s. 775.083, or s. 775.084.
4622 (d) Employees of the Department of Highway Safety and Motor
4623 Vehicles and law enforcement officers are authorized to inspect
4624 the records of any person regularly engaged in the business of
4625 recovering, towing, or storing vehicles or vessels or
4626 transporting vehicles or vessels by wrecker, tow truck, or car
4627 carrier, to ensure compliance with the requirements of this
4628 section. Any person who fails to maintain records, or fails to
4629 produce records when required in a reasonable manner and at a
4630 reasonable time, commits a misdemeanor of the first degree,
4631 punishable as provided in s. 775.082 or s. 775.083.
4632 (13)(a) Upon receipt by the Department of Highway Safety
4633 and Motor Vehicles of written notice from a wrecker operator who
4634 claims a wrecker operator's lien under paragraph (2)(c) or
4635 paragraph (2)(d) for recovery, towing, or storage of an
4636 abandoned vehicle or vessel upon instructions from any law
4637 enforcement agency, for which a certificate of destruction has
4638 been issued under subsection (11) and the vehicle has been
4639 reported to the National Motor Vehicle Title Information System,
4640 the department shall place the name of the registered owner of

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4641 that vehicle or vessel on the list of those persons who may not
4642 be issued a license plate or revalidation sticker for any motor
4643 vehicle under s. 320.03(8). If the vehicle or vessel is owned
4644 jointly by more than one person, the name of each registered
4645 owner shall be placed on the list. The notice of wrecker
4646 operator's lien shall be submitted on forms provided by the
4647 department, which must include:
4648 1. The name, address, and telephone number of the wrecker
4649 operator.
4650 2. The name of the registered owner of the vehicle or
4651 vessel and the address to which the wrecker operator provided
4652 notice of the lien to the registered owner under subsection (4).
4653 3. A general description of the vehicle or vessel,
4654 including its color, make, model, body style, and year.
4655 4. The vehicle identification number (VIN); registration
4656 license plate number, state, and year; validation decal number,
4657 state, and year; vessel registration number; hull identification
4658 number; or other identification number, as applicable.
4659 5. The name of the person or the corresponding law
4660 enforcement agency that requested that the vehicle or vessel be
4661 recovered, towed, or stored.
4662 6. The amount of the wrecker operator's lien, not to exceed
4663 the amount allowed by paragraph (b).
4664 (b) For purposes of this subsection only, the amount of the
4665 wrecker operator's lien for which the department will prevent
4666 issuance of a license plate or revalidation sticker may not
4667 exceed the amount of the charges for recovery, towing, and
4668 storage of the vehicle or vessel for 7 days. These charges may
4669 not exceed the maximum rates imposed by the ordinances of the

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4670 respective county or municipality under ss. 125.0103(1)(c) and
4671 166.043(1)(c). This paragraph does not limit the amount of a
4672 wrecker operator's lien claimed under subsection (2) or prevent
4673 a wrecker operator from seeking civil remedies for enforcement
4674 of the entire amount of the lien, but limits only that portion
4675 of the lien for which the department will prevent issuance of a
4676 license plate or revalidation sticker.
4677 (c)1. The registered owner of a vehicle or vessel may
4678 dispute a wrecker operator's lien, by notifying the department
4679 of the dispute in writing on forms provided by the department,
4680 if at least one of the following applies:
4681 a. The registered owner presents a notarized bill of sale
4682 proving that the vehicle or vessel was sold in a private or
4683 casual sale before the vehicle or vessel was recovered, towed,
4684 or stored.
4685 b. The registered owner presents proof that the Florida
4686 certificate of title of the vehicle or vessel was sold to a
4687 licensed dealer as defined in s. 319.001 before the vehicle or
4688 vessel was recovered, towed, or stored.
4689 c. The records of the department were marked "sold" prior
4690 to the date of the tow.
4691
4692 If the registered owner's dispute of a wrecker operator's lien
4693 complies with one of these criteria, the department shall
4694 immediately remove the registered owner's name from the list of
4695 those persons who may not be issued a license plate or
4696 revalidation sticker for any motor vehicle under s. 320.03(8),
4697 thereby allowing issuance of a license plate or revalidation
4698 sticker. If the vehicle or vessel is owned jointly by more than

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4699 one person, each registered owner must dispute the wrecker
4700 operator's lien in order to be removed from the list. However,
4701 the department shall deny any dispute and maintain the
4702 registered owner's name on the list of those persons who may not
4703 be issued a license plate or revalidation sticker for any motor
4704 vehicle under s. 320.03(8) if the wrecker operator has provided
4705 the department with a certified copy of the judgment of a court
4706 which orders the registered owner to pay the wrecker operator's
4707 lien claimed under this section. In such a case, the amount of
4708 the wrecker operator's lien allowed by paragraph (b) may be
4709 increased to include no more than $500 of the reasonable costs
4710 and attorney's fees incurred in obtaining the judgment. The
4711 department's action under this subparagraph is ministerial in
4712 nature, shall not be considered final agency action, and is
4713 appealable only to the county court for the county in which the
4714 vehicle or vessel was ordered removed.
4715 2. A person against whom a wrecker operator's lien has been
4716 imposed may alternatively obtain a discharge of the lien by
4717 filing a complaint, challenging the validity of the lien or the
4718 amount thereof, in the county court of the county in which the
4719 vehicle or vessel was ordered removed. Upon filing of the
4720 complaint, the person may have her or his name removed from the
4721 list of those persons who may not be issued a license plate or
4722 revalidation sticker for any motor vehicle under s. 320.03(8),
4723 thereby allowing issuance of a license plate or revalidation
4724 sticker, upon posting with the court a cash or surety bond or
4725 other adequate security equal to the amount of the wrecker
4726 operator's lien to ensure the payment of such lien in the event
4727 she or he does not prevail. Upon the posting of the bond and the

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4728 payment of the applicable fee set forth in s. 28.24, the clerk
4729 of the court shall issue a certificate notifying the department
4730 of the posting of the bond and directing the department to
4731 release the wrecker operator's lien. Upon determining the
4732 respective rights of the parties, the court may award damages
4733 and costs in favor of the prevailing party.
4734 3. If a person against whom a wrecker operator's lien has
4735 been imposed does not object to the lien, but cannot discharge
4736 the lien by payment because the wrecker operator has moved or
4737 gone out of business, the person may have her or his name
4738 removed from the list of those persons who may not be issued a
4739 license plate or revalidation sticker for any motor vehicle
4740 under s. 320.03(8), thereby allowing issuance of a license plate
4741 or revalidation sticker, upon posting with the clerk of court in
4742 the county in which the vehicle or vessel was ordered removed, a
4743 cash or surety bond or other adequate security equal to the
4744 amount of the wrecker operator's lien. Upon the posting of the
4745 bond and the payment of the application fee set forth in s.
4746 28.24, the clerk of the court shall issue a certificate
4747 notifying the department of the posting of the bond and
4748 directing the department to release the wrecker operator's lien.
4749 The department shall mail to the wrecker operator, at the
4750 address upon the lien form, notice that the wrecker operator
4751 must claim the security within 60 days, or the security will be
4752 released back to the person who posted it. At the conclusion of
4753 the 60 days, the department shall direct the clerk as to which
4754 party is entitled to payment of the security, less applicable
4755 clerk's fees.
4756 4. A wrecker operator's lien expires 5 years after filing.

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4757 (d) Upon discharge of the amount of the wrecker operator's
4758 lien allowed by paragraph (b), the wrecker operator must issue a
4759 certificate of discharged wrecker operator's lien on forms
4760 provided by the department to each registered owner of the
4761 vehicle or vessel attesting that the amount of the wrecker
4762 operator's lien allowed by paragraph (b) has been discharged.
4763 Upon presentation of the certificate of discharged wrecker
4764 operator's lien by the registered owner, the department shall
4765 immediately remove the registered owner's name from the list of
4766 those persons who may not be issued a license plate or
4767 revalidation sticker for any motor vehicle under s. 320.03(8),
4768 thereby allowing issuance of a license plate or revalidation
4769 sticker. Issuance of a certificate of discharged wrecker
4770 operator's lien under this paragraph does not discharge the
4771 entire amount of the wrecker operator's lien claimed under
4772 subsection (2), but only certifies to the department that the
4773 amount of the wrecker operator's lien allowed by paragraph (b),
4774 for which the department will prevent issuance of a license
4775 plate or revalidation sticker, has been discharged.
4776 (e) When a wrecker operator files a notice of wrecker
4777 operator's lien under this subsection, the department shall
4778 charge the wrecker operator a fee of $2, which shall be
4779 deposited into the General Revenue Fund. A service charge of
4780 $2.50 shall be collected and retained by the tax collector who
4781 processes a notice of wrecker operator's lien.
4782 (f) This subsection applies only to the annual renewal in
4783 the registered owner's birth month of a motor vehicle
4784 registration and does not apply to the transfer of a
4785 registration of a motor vehicle sold by a motor vehicle dealer

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4786 licensed under chapter 320, except for the transfer of
4787 registrations which includes the annual renewals. This
4788 subsection does not apply to any vehicle registered in the name
4789 of the lessor. This subsection does not affect the issuance of
4790 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).
4791 (g) The Department of Highway Safety and Motor Vehicles may
4792 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
4793 this subsection.
4794 Section 58. Paragraph (aa) of subsection (7) of section
4795 212.08, Florida Statutes, is amended to read:
4796 212.08 Sales, rental, use, consumption, distribution, and
4797 storage tax; specified exemptions.—The sale at retail, the
4798 rental, the use, the consumption, the distribution, and the
4799 storage to be used or consumed in this state of the following
4800 are hereby specifically exempt from the tax imposed by this
4801 chapter.
4802 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
4803 entity by this chapter do not inure to any transaction that is
4804 otherwise taxable under this chapter when payment is made by a
4805 representative or employee of the entity by any means,
4806 including, but not limited to, cash, check, or credit card, even
4807 when that representative or employee is subsequently reimbursed
4808 by the entity. In addition, exemptions provided to any entity by
4809 this subsection do not inure to any transaction that is
4810 otherwise taxable under this chapter unless the entity has
4811 obtained a sales tax exemption certificate from the department
4812 or the entity obtains or provides other documentation as
4813 required by the department. Eligible purchases or leases made
4814 with such a certificate must be in strict compliance with this

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4815 subsection and departmental rules, and any person who makes an
4816 exempt purchase with a certificate that is not in strict
4817 compliance with this subsection and the rules is liable for and
4818 shall pay the tax. The department may adopt rules to administer
4819 this subsection.
4820 (aa) *Certain commercial vehicles.*—Also exempt is the sale,
4821 lease, or rental of a commercial motor vehicle as defined in s.
4822 207.002 ~~207.002(2)~~, when the following conditions are met:
4823 1. The sale, lease, or rental occurs between two commonly
4824 owned and controlled corporations;
4825 2. Such vehicle was titled and registered in this state at
4826 the time of the sale, lease, or rental; and
4827 3. Florida sales tax was paid on the acquisition of such
4828 vehicle by the seller, lessor, or renter.
4829 Section 59. Subsection (8) of section 261.03, Florida
4830 Statutes, is amended to read:
4831 261.03 Definitions.—As used in this chapter, the term:
4832 (8) "ROV" means any motorized recreational off-highway
4833 vehicle 64 inches or less in width, having a dry weight of 2,000
4834 pounds or less, designed to travel on four or more nonhighway
4835 tires, having nonstraddle seating and a steering wheel, and
4836 manufactured for recreational use by one or more persons. The
4837 term "ROV" does not include a golf cart as defined in ss. 320.01
4838 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4839 s. 320.01 ~~320.01(42)~~.
4840 Section 60. Section 316.2122, Florida Statutes, is amended
4841 to read:
4842 316.2122 Operation of a low-speed vehicle or mini truck on
4843 certain roadways.—The operation of a low-speed vehicle as

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4844 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
4845 320.01 ~~320.01(45)~~ on any road is authorized with the following
4846 restrictions:
4847 (1) A low-speed vehicle or mini truck may be operated only
4848 on streets where the posted speed limit is 35 miles per hour or
4849 less. This does not prohibit a low-speed vehicle or mini truck
4850 from crossing a road or street at an intersection where the road
4851 or street has a posted speed limit of more than 35 miles per
4852 hour.
4853 (2) A low-speed vehicle must be equipped with headlamps,
4854 stop lamps, turn signal lamps, taillamps, reflex reflectors,
4855 parking brakes, rearview mirrors, windshields, seat belts, and
4856 vehicle identification numbers.
4857 (3) A low-speed vehicle or mini truck must be registered
4858 and insured in accordance with s. 320.02 and titled pursuant to
4859 chapter 319.
4860 (4) Any person operating a low-speed vehicle or mini truck
4861 must have in his or her possession a valid driver ~~driver's~~
4862 license.
4863 (5) A county or municipality may prohibit the operation of
4864 low-speed vehicles or mini trucks on any road under its
4865 jurisdiction if the governing body of the county or municipality
4866 determines that such prohibition is necessary in the interest of
4867 safety.
4868 (6) The Department of Transportation may prohibit the
4869 operation of low-speed vehicles or mini trucks on any road under
4870 its jurisdiction if it determines that such prohibition is
4871 necessary in the interest of safety.
4872 Section 61. Section 316.2124, Florida Statutes, is amended

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4873 to read:
4874 316.2124 Motorized disability access vehicles.—The
4875 Department of Highway Safety and Motor Vehicles is directed to
4876 provide, by rule, for the regulation of motorized disability
4877 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
4878 department shall provide that motorized disability access
4879 vehicles shall be registered in the same manner as motorcycles
4880 and shall pay the same registration fee as for a motorcycle.
4881 There shall also be assessed, in addition to the registration
4882 fee, a $2.50 surcharge for motorized disability access vehicles.
4883 This surcharge shall be paid into the Highway Safety Operating
4884 Trust Fund. Motorized disability access vehicles shall not be
4885 required to be titled by the department. The department shall
4886 require motorized disability access vehicles to be subject to
4887 the same safety requirements as set forth in this chapter for
4888 motorcycles.
4889 Section 62. Subsection (1) of section 316.21265, Florida
4890 Statutes, is amended to read:
4891 316.21265 Use of all-terrain vehicles, golf carts, low-
4892 speed vehicles, or utility vehicles by law enforcement
4893 agencies.—
4894 (1) Notwithstanding any provision of law to the contrary,
4895 any law enforcement agency in this state may operate all-terrain
4896 vehicles as defined in s. 316.2074, golf carts as defined in s.
4897 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
4898 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
4899 ~~320.01(43)~~ on any street, road, or highway in this state while
4900 carrying out its official duties.
4901 Section 63. Subsection (1) of section 316.3026, Florida

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4902 Statutes, is amended to read:
4903 316.3026 Unlawful operation of motor carriers.—
4904 (1) The Office of Commercial Vehicle Enforcement may issue
4905 out-of-service orders to motor carriers, as defined in s. 320.01
4906 ~~320.01(33)~~, who, after proper notice, have failed to pay any
4907 penalty or fine assessed by the department, or its agent,
4908 against any owner or motor carrier for violations of state law,
4909 refused to submit to a compliance review and provide records
4910 pursuant to s. 316.302(5) or s. 316.70, or violated safety
4911 regulations pursuant to s. 316.302 or insurance requirements in
4912 s. 627.7415. Such out-of-service orders have the effect of
4913 prohibiting the operations of any motor vehicles owned, leased,
4914 or otherwise operated by the motor carrier upon the roadways of
4915 this state, until the violations have been corrected or
4916 penalties have been paid. Out-of-service orders must be approved
4917 by the director of the Division of the Florida Highway Patrol or
4918 his or her designee. An administrative hearing pursuant to s.
4919 120.569 shall be afforded to motor carriers subject to such
4920 orders.
4921 Section 64. Paragraph (a) of subsection (5) and subsection
4922 (10) of section 316.550, Florida Statutes, are amended to read:
4923 316.550 Operations not in conformity with law; special
4924 permits.—
4925 (5)(a) The Department of Transportation may issue a wrecker
4926 special blanket permit to authorize a wrecker as defined in s.
4927 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as defined in
4928 s. 320.01 ~~320.01(38)~~ where the combination of the wrecker and
4929 the disabled vehicle being towed exceeds the maximum weight
4930 limits as established by s. 316.535.

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4931 (10) Whenever any motor vehicle, or the combination of a
4932 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
4933 vehicle, exceeds any weight or dimensional criteria or special
4934 operational or safety stipulation contained in a special permit
4935 issued under the provisions of this section, the penalty
4936 assessed to the owner or operator shall be as follows:
4937 (a) For violation of weight criteria contained in a special
4938 permit, the penalty per pound or portion thereof exceeding the
4939 permitted weight shall be as provided in s. 316.545.
4940 (b) For each violation of dimensional criteria in a special
4941 permit, the penalty shall be as provided in s. 316.516 and
4942 penalties for multiple violations of dimensional criteria shall
4943 be cumulative except that the total penalty for the vehicle
4944 shall not exceed $1,000.
4945 (c) For each violation of an operational or safety
4946 stipulation in a special permit, the penalty shall be an amount
4947 not to exceed $1,000 per violation and penalties for multiple
4948 violations of operational or safety stipulations shall be
4949 cumulative except that the total penalty for the vehicle shall
4950 not exceed $1,000.
4951 (d) For violation of any special condition that has been
4952 prescribed in the rules of the Department of Transportation and
4953 declared on the permit, the vehicle shall be determined to be
4954 out of conformance with the permit and the permit shall be
4955 declared null and void for the vehicle, and weight and
4956 dimensional limits for the vehicle shall be as established in s.
4957 316.515 or s. 316.535, whichever is applicable, and:
4958 1. For weight violations, a penalty as provided in s.
4959 316.545 shall be assessed for those weights which exceed the

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4960 limits thus established for the vehicle; and
4961 2. For dimensional, operational, or safety violations, a
4962 penalty as established in paragraph (c) or s. 316.516, whichever
4963 is applicable, shall be assessed for each nonconforming
4964 dimensional, operational, or safety violation and the penalties
4965 for multiple violations shall be cumulative for the vehicle.
4966 Section 65. Subsection (9) of section 317.0003, Florida
4967 Statutes, is amended to read:
4968 317.0003 Definitions.—As used in this chapter, the term:
4969 (9) "ROV" means any motorized recreational off-highway
4970 vehicle 64 inches or less in width, having a dry weight of 2,000
4971 pounds or less, designed to travel on four or more nonhighway
4972 tires, having nonstraddle seating and a steering wheel, and
4973 manufactured for recreational use by one or more persons. The
4974 term "ROV" does not include a golf cart as defined in ss. 320.01
4975 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4976 s. 320.01 ~~320.01(42)~~.
4977 Section 66. Paragraph (d) of subsection (5) of section
4978 320.08, Florida Statutes, is amended to read:
4979 320.08 License taxes.—Except as otherwise provided herein,
4980 there are hereby levied and imposed annual license taxes for the
4981 operation of motor vehicles, mopeds, motorized bicycles as
4982 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
4983 and mobile homes, as defined in s. 320.01, which shall be paid
4984 to and collected by the department or its agent upon the
4985 registration or renewal of registration of the following:
4986 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
4987 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—
4988 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is

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4989 used to tow a vessel as defined in s. 327.02(39), a disabled,
4990 abandoned, stolen-recovered, or impounded motor vehicle as
4991 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle
4992 as defined in s. 320.01 ~~320.01(39)~~: $41 flat, of which $11 shall
4993 be deposited into the General Revenue Fund.
4994 Section 67. Subsection (1) of section 320.0847, Florida
4995 Statutes, is amended to read:
4996 320.0847 Mini truck and low-speed vehicle license plates.—
4997 (1) The department shall issue a license plate to the owner
4998 or lessee of any vehicle registered as a low-speed vehicle as
4999 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
5000 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes
5001 and fees prescribed in s. 320.08.
5002 Section 68. Subsections (4) and (5) of section 322.271,
5003 Florida Statutes, are amended to read:
5004 322.271 Authority to modify revocation, cancellation, or
5005 suspension order.—
5006 (4) Notwithstanding the provisions of s. 322.28(2)(d)
5007 ~~322.28(2)(c)~~, a person whose driving privilege has been
5008 permanently revoked because he or she has been convicted of DUI
5009 manslaughter in violation of s. 316.193 and has no prior
5010 convictions for DUI-related offenses may, upon the expiration of
5011 5 years after the date of such revocation or the expiration of 5
5012 years after the termination of any term of incarceration under
5013 s. 316.193 or former s. 316.1931, whichever date is later,
5014 petition the department for reinstatement of his or her driving
5015 privilege.
5016 (a) Within 30 days after the receipt of such a petition,
5017 the department shall afford the petitioner an opportunity for a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5018 hearing. At the hearing, the petitioner must demonstrate to the
5019 department that he or she:
5020 1. Has not been arrested for a drug-related offense during
5021 the 5 years preceding the filing of the petition;
5022 2. Has not driven a motor vehicle without a license for at
5023 least 5 years prior to the hearing;
5024 3. Has been drug-free for at least 5 years prior to the
5025 hearing; and
5026 4. Has completed a DUI program licensed by the department.
5027 (b) At such hearing, the department shall determine the
5028 petitioner's qualification, fitness, and need to drive. Upon
5029 such determination, the department may, in its discretion,
5030 reinstate the driver ~~driver's~~ license of the petitioner. Such
5031 reinstatement must be made subject to the following
5032 qualifications:
5033 1. The license must be restricted for employment purposes
5034 for at least ~~not less than~~ 1 year; and
5035 2. Such person must be supervised by a DUI program licensed
5036 by the department and report to the program for such supervision
5037 and education at least four times a year or additionally as
5038 required by the program for the remainder of the revocation
5039 period. Such supervision shall include evaluation, education,
5040 referral into treatment, and other activities required by the
5041 department.
5042 (c) Such person must assume the reasonable costs of
5043 supervision. If such person fails to comply with the required
5044 supervision, the program shall report the failure to the
5045 department, and the department shall cancel such person's
5046 driving privilege.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5047 (d) If, after reinstatement, such person is convicted of an
5048 offense for which mandatory revocation of his or her license is
5049 required, the department shall revoke his or her driving
5050 privilege.
5051 (e) The department shall adopt rules regulating the
5052 providing of services by DUI programs pursuant to this section.
5053 (5) Notwithstanding the provisions of s. 322.28(2)(d)
5054 ~~322.28(2)(c)~~, a person whose driving privilege has been
5055 permanently revoked because he or she has been convicted four or
5056 more times of violating s. 316.193 or former s. 316.1931 may,
5057 upon the expiration of 5 years after the date of the last
5058 conviction or the expiration of 5 years after the termination of
5059 any incarceration under s. 316.193 or former s. 316.1931,
5060 whichever is later, petition the department for reinstatement of
5061 his or her driving privilege.
5062 (a) Within 30 days after receipt of a petition, the
5063 department shall provide for a hearing, at which the petitioner
5064 must demonstrate that he or she:
5065 1. Has not been arrested for a drug-related offense for at
5066 least 5 years prior to filing the petition;
5067 2. Has not driven a motor vehicle without a license for at
5068 least 5 years prior to the hearing;
5069 3. Has been drug-free for at least 5 years prior to the
5070 hearing; and
5071 4. Has completed a DUI program licensed by the department.
5072 (b) At the hearing, the department shall determine the
5073 petitioner's qualification, fitness, and need to drive, and may,
5074 after such determination, reinstate the petitioner's driver
5075 ~~driver's~~ license. The reinstatement shall be subject to the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5076 following qualifications:
5077 1. The petitioner's license must be restricted for
5078 employment purposes for at least ~~not less than~~ 1 year; and
5079 2. The petitioner must be supervised by a DUI program
5080 licensed by the department and must report to the program for
5081 supervision and education at least four times a year or more, as
5082 required by the program, for the remainder of the revocation
5083 period. The supervision shall include evaluation, education,
5084 referral into treatment, and other activities required by the
5085 department.
5086 (c) The petitioner must assume the reasonable costs of
5087 supervision. If the petitioner does not comply with the required
5088 supervision, the program shall report the failure to the
5089 department, and the department shall cancel such person's
5090 driving privilege.
5091 (d) If, after reinstatement, the petitioner is convicted of
5092 an offense for which mandatory license revocation is required,
5093 the department shall revoke his or her driving privilege.
5094 (e) The department shall adopt rules regulating the
5095 services provided by DUI programs pursuant to this section.
5096 Section 69. Section 322.282, Florida Statutes, is amended
5097 to read:
5098 322.282 Procedure when court revokes or suspends license or
5099 driving privilege and orders reinstatement.—When a court
5100 suspends or revokes a person's license or driving privilege and,
5101 in its discretion, orders reinstatement ~~as provided by s.~~
5102 ~~322.28(2)(d) or former s. 322.261(5)~~:
5103 (1) The court shall pick up all revoked or suspended driver
5104 ~~driver's~~ licenses from the person and immediately forward them

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5105 to the department, together with a record of such conviction.
5106 The clerk of such court shall also maintain a list of all
5107 revocations or suspensions by the court.
5108 (2)(a) The court shall issue an order of reinstatement, on
5109 a form to be furnished by the department, which the person may
5110 take to any driver ~~driver's~~ license examining office. The
5111 department shall issue a temporary driver ~~driver's~~ permit to a
5112 licensee who presents the court's order of reinstatement, proof
5113 of completion of a department-approved driver training or
5114 substance abuse education course, and a written request for a
5115 hearing under s. 322.271. The permit shall not be issued if a
5116 record check by the department shows that the person has
5117 previously been convicted for a violation of s. 316.193, former
5118 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
5119 conviction outside this state for driving under the influence,
5120 driving while intoxicated, driving with an unlawful blood-
5121 alcohol level, or any similar alcohol-related or drug-related
5122 traffic offense; that the person's driving privilege has been
5123 previously suspended for refusal to submit to a lawful test of
5124 breath, blood, or urine; or that the person is otherwise not
5125 entitled to issuance of a driver ~~driver's~~ license. This
5126 paragraph shall not be construed to prevent the reinstatement of
5127 a license or driving privilege that is presently suspended for
5128 driving with an unlawful blood-alcohol level or a refusal to
5129 submit to a breath, urine, or blood test and is also revoked for
5130 a conviction for a violation of s. 316.193 or former s.
5131 316.1931, if the suspension and revocation arise out of the same
5132 incident.
5133 (b) The temporary driver ~~driver's~~ permit shall be

5134 restricted to either business or employment purposes described
5135 in s. 322.271, as determined by the department, and shall not be
5136 used for pleasure, recreational, or nonessential driving.
5137 (c) If the department determines at a later date from its
5138 records that the applicant has previously been convicted of an
5139 offense referred to in paragraph (a) which would render him or
5140 her ineligible for reinstatement, the department shall cancel
5141 the temporary driver ~~driver's~~ permit and shall issue a
5142 revocation or suspension order for the minimum period
5143 applicable. A temporary permit issued pursuant to this section
5144 shall be valid for 45 days or until canceled as provided in this
5145 paragraph.
5146 (d) The period of time for which a temporary permit issued
5147 in accordance with paragraph (a) is valid shall be deemed to be
5148 part of the period of revocation imposed by the court.
5149 Section 70. Section 324.023, Florida Statutes, is amended
5150 to read:
5151 324.023 Financial responsibility for bodily injury or
5152 death.—In addition to any other financial responsibility
5153 required by law, every owner or operator of a motor vehicle that
5154 is required to be registered in this state, or that is located
5155 within this state, and who, regardless of adjudication of guilt,
5156 has been found guilty of or entered a plea of guilty or nolo
5157 contendere to a charge of driving under the influence under s.
5158 316.193 after October 1, 2007, shall, by one of the methods
5159 established in s. 324.031(1) or~~,~~ (2), ~~or (3),~~ establish and
5160 maintain the ability to respond in damages for liability on
5161 account of accidents arising out of the use of a motor vehicle
5162 in the amount of $100,000 because of bodily injury to, or death

5163 of, one person in any one crash and, subject to such limits for
5164 one person, in the amount of $300,000 because of bodily injury
5165 to, or death of, two or more persons in any one crash and in the
5166 amount of $50,000 because of property damage in any one crash.
5167 If the owner or operator chooses to establish and maintain such
5168 ability by ~~posting a bond or~~ furnishing a certificate of deposit
5169 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
5170 deposit must be at least ~~in an amount not less than~~ $350,000.
5171 Such higher limits must be carried for a minimum period of 3
5172 years. If the owner or operator has not been convicted of
5173 driving under the influence or a felony traffic offense for a
5174 period of 3 years from the date of reinstatement of driving
5175 privileges for a violation of s. 316.193, the owner or operator
5176 shall be exempt from this section.
5177 Section 71. Paragraph (c) of subsection (1) of section
5178 324.171, Florida Statutes, is amended to read:
5179 324.171 Self-insurer.—
5180 (1) Any person may qualify as a self-insurer by obtaining a
5181 certificate of self-insurance from the department which may, in
5182 its discretion and upon application of such a person, issue said
5183 certificate of self-insurance when such person has satisfied the
5184 requirements of this section to qualify as a self-insurer under
5185 this section:
5186 (c) The owner of a commercial motor vehicle, as defined in
5187 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
5188 insurer subject to the standards provided for in subparagraph
5189 (b)2.
5190 Section 72. Section 324.191, Florida Statutes, is amended
5191 to read:

5192 324.191 Consent to cancellation; direction to return money
5193 or securities.—The department shall consent to the cancellation
5194 of any ~~bond or~~ certificate of insurance furnished as proof of
5195 financial responsibility pursuant to s. 324.031, or the
5196 department shall return to the person entitled thereto cash or
5197 securities deposited as proof of financial responsibility
5198 pursuant to s. 324.031:
5199 (1) Upon substitution and acceptance of other adequate
5200 proof of financial responsibility pursuant to this chapter, or
5201 (2) In the event of the death of the person on whose behalf
5202 the proof was filed, or the permanent incapacity of such person
5203 to operate a motor vehicle, or
5204 (3) In the event the person who has given proof of
5205 financial responsibility surrenders his or her license and all
5206 registrations to the department; providing, however, that no
5207 notice of court action has been filed with the department, a
5208 judgment in which would result in claim on such proof of
5209 financial responsibility.
5210
5211 This section shall not apply to security as specified in s.
5212 324.061 deposited pursuant to s. 324.051(2)(a)4.
5213 Section 73. Subsection (3) of section 627.733, Florida
5214 Statutes, is amended to read:
5215 627.733 Required security.—
5216 (3) Such security shall be provided:
5217 (a) By an insurance policy delivered or issued for delivery
5218 in this state by an authorized or eligible motor vehicle
5219 liability insurer which provides the benefits and exemptions
5220 contained in ss. 627.730-627.7405. Any policy of insurance

5221 represented or sold as providing the security required hereunder
5222 shall be deemed to provide insurance for the payment of the
5223 required benefits; or
5224 (b) By any other method authorized by s. 324.031(2) or~~,~~
5225 (3)~~, or (4)~~ and approved by the Department of Highway Safety and
5226 Motor Vehicles as affording security equivalent to that afforded
5227 by a policy of insurance or by self-insuring as authorized by s.
5228 768.28(16). The person filing such security shall have all of
5229 the obligations and rights of an insurer under ss. 627.730-
5230 627.7405.
5231 Section 74. Section 627.7415, Florida Statutes, is amended
5232 to read:
5233 627.7415 Commercial motor vehicles; additional liability
5234 insurance coverage.—Commercial motor vehicles, as defined in s.
5235 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
5236 highways of this state shall be insured with the following
5237 minimum levels of combined bodily liability insurance and
5238 property damage liability insurance in addition to any other
5239 insurance requirements:
5240 (1) Fifty thousand dollars per occurrence for a commercial
5241 motor vehicle with a gross vehicle weight of 26,000 pounds or
5242 more, but less than 35,000 pounds.
5243 (2) One hundred thousand dollars per occurrence for a
5244 commercial motor vehicle with a gross vehicle weight of 35,000
5245 pounds or more, but less than 44,000 pounds.
5246 (3) Three hundred thousand dollars per occurrence for a
5247 commercial motor vehicle with a gross vehicle weight of 44,000
5248 pounds or more.
5249 (4) All commercial motor vehicles subject to regulations of

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5250 the United States Department of Transportation, Title 49 C.F.R.
5251 part 387, subpart A, and as may be hereinafter amended, shall be
5252 insured in an amount equivalent to the minimum levels of
5253 financial responsibility as set forth in such regulations.
5254
5255 A violation of this section is a noncriminal traffic infraction,
5256 punishable as a nonmoving violation as provided in chapter 318.
5257 Section 75. This act shall take effect July 1, 2013.

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The Florida Senate

Committee Agenda Request

To: Senator Andy Gardiner, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: March 21, 2013

I respectfully request that **Senate Bill #1458**, relating to Department of Highway Safety and Motor Vehicles, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 22

File signed original with committee office

S-020 (03/2004)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Spk 2

03/27/2013
Meeting Date

Topic: TOTAL LOSS

Bill Number: SB 1458

Name: JORGE L. CONFORME

Amendment Barcode: BRANDES/LEE (if applicable) 839942/642866 (if applicable)

Job Title: GOV'T AFFAIRS

Address: 5975 N. FED. HWY
Street

FT. LAUDERDALE FL 33308
City State Zip

Phone: 954-492-9892

E-mail:

Speaking: [x] For [ ] Against [ ] Information

Representing: LKQ CORP

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

spSk

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-27-13
Meeting Date

Topic

Bill Number SB 1458

Name James Butler

Amendment Barcode Brandes / Lee (if applicable) (if applicable)
839992 / 142866

Job Title VP

Address 6401 N. Palafox st
Street

Pensacola Fl 32503
City *State* *Zip*

Phone 850-393-8220

E-mail jimb@butlerAR.com

Speaking: [X] For [ ] Against [ ] Information

Representing Florida Auto Recycling - Butler Auto Recycling

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

Spoke

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/13
Meeting Date

Topic

Bill Number SB1458 *(if applicable)*

Name Brad Lewis / Suwannee Salvage

Amendment Barcode Brandes/Lee 839942/642866 *(if applicable)*

Job Title manager

Address 13396 76th St
Street

Live Oak FL 32060
City *State* *Zip*

Phone 386-362-5004

E-mail brad@suwanneesalvage.com

Speaking: [x] For [ ] Against [ ] Information

Representing Florida Automotive Recyclers

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) zpSke

03/27/2013
Meeting Date

Topic _____

Bill Number SB 1458 (if applicable)

Name Ryan Toole

Amendment Barcode Brandis/Lee (if applicable)
839942/642806

Job Title SSA FBI (Retired)

Address 12349 Strong Ct
Street

Fairfax, VA 22033
City State Zip

Phone (703) 298-5467

E-mail rtt1955@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

spoke

03/27/13
Meeting Date

Topic: Salvage Vehicle Definition

Bill Number: 1458 *(if applicable)*

Name: Towson Fraser

Amendment Barcode: 609214 *(if applicable)*

Job Title: Partner, Southern Strategy Group

Address: 123 S Adams St
Street

Tallahassee — *City*
FL — *State*
32301 — *Zip*

Phone: 850-671-4401

E-mail: fraser@sostrategy.com

Speaking: ☐ For ☑ Against ☐ Information

Representing: Copart

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/27/13
Meeting Date

Topic: Salvage Vehicle Definition

Bill Number: 1458 *(if applicable)*

Name: Towson Fraser

Amendment Barcode: 537550 *(if applicable)*

Job Title: Partner, Southern Strategy Group

Address: 123 S Adams St
Street

Tallahassee — *City*
FL — *State*
32301 — *Zip*

Phone: 850-671-4401

E-mail: fraser@sostrategy.com

Speaking: ☐ For ☑ Against ☐ Information

Representing: Copart

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Spoke

_____
Meeting Date

Topic _____ Bill Number 1458 *(if applicable)*

Name Ron LeFace Amendment Barcode Bowden SA *(if applicable)*

Job Title _____

Address _____ Phone _____
Street

_____ E-mail _____
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information

Representing IAA

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/13
Meeting Date

Topic: AUTO DISMANTLING

Bill Number: 1458 *(if applicable)*

Name: JIM MAGILL

Amendment Barcode: 839942 *(if applicable)*

Job Title: LOBBYIST

Address: 101 N. MONROE ST. SUITE 1090
Street

TALLAHASSEE, FL 32301
City, State, Zip

Phone: 850-681-0411

E-mail: JMAGILL@FOWLERWHITE.COM

Speaking: ☐ For ☐ Against ☐ Information

Representing: TRADEMARK METALS RECYCLING | FLA RECYCLERS ASSOC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/13
Meeting Date

Topic: AUTO SALVAGE

Bill Number: 1458 *(if applicable)*

Name: JIM MAGILL

Amendment Barcode: 609214 *(if applicable)*

Job Title: LOBBYIST

Address: 101 N. MONROE ST. SUITE 1090
Street

TALLAHASSEE, FL 32301
City *State* *Zip*

Phone: 850-681-0411

E-mail: JMAGILL@FOWLERWHITE.COM

Speaking: [X] For [ ] Against [ ] Information

Representing: TRADEMARK METALS RECYCLING / FLA RECYCLER'S ASSOC

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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S-001 (10/20/11)

Spoke

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/13
Meeting Date

Topic: Children in beds of Pick Ups

Bill Number: 1458

Name: Mary-Lynn Cullen

Amendment Barcode: 78D262 (if applicable)

Job Title: Legislative Liaison

Address: 1674 University Pkwy
Street

Sarasota, Fl. 34243
City, State, Zip

Phone: 941 928 0278

E-mail: aichildren@aol.com

Speaking: [x] For [ ] Against [ ] Information

Representing: Advocacy Institute For Children

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/2013
Meeting Date

Topic _____ Bill Number 1458 *(if applicable)*

Name BRIAN PITTS Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/13
Meeting Date

Topic: HIGHWAY SAFETY & MOTOR VEH

Bill Number: 1458 *(if applicable)*

Name: DAVID CULLEN

Amendment Barcode: 780262 *(if applicable)*
(pickup trucks)

Job Title:

Address: 1674 UNIVERSITY PKWY #286
Street

SARASOTA, FL 34243
City, State, Zip

Phone: 941.323.2404

E-mail: cullenasea@aol.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: ADVOCACY INSTITUTE FOR CHILDREN

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: Proposed Committee Bill

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development

SUBJECT: Mortgage Settlement

DATE: March 21, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Martin	Martin	ATD	**Pre-meeting**
2.				
3.				
4.				
5.				
6.				

I. Summary:

This bill appropriates $200,080,474 to several state entities for various housing and foreclosure-related programs and services, contingent upon such funds being deposited into the state treasury from the National Mortgage Settlement.

Funds are appropriated, with specific restrictions and requirements, as follows:

- $70 million for the State Housing Initiatives Partnership (SHIP) program;
- $65 million for the State Apartment Incentive Loan Program (SAIL);
- $10 million for housing for homeless persons;
- $40 million for the State Courts System for the foreclosure cases backlog;
- $10 million for legal aid services for low and moderate-income homeowners facing foreclosure;
- $2 million for a consumer awareness promotional campaign; and
- $3 million for administrative costs.

This bill does not amend, create, or repeal any sections of the Florida Statutes.

II. Present Situation:

National Mortgage Settlement

In February 2012, 49 state attorneys general and the federal government announced a historic joint state-federal settlement with the country's five largest mortgage servicers:[1]

- Ally/GMAC
- Bank of America
- Citi
- JPMorgan Chase
- Wells Fargo

This settlement will provide as much as $25 billion in relief to distressed borrowers in the 49 states who signed on to the settlement and direct payments to signing states and the federal government. (Oklahoma did not sign the agreement.)

The agreement settles state and federal investigations finding that the country's five largest mortgage servicers routinely signed foreclosure related documents outside the presence of a notary public and without really knowing whether the facts they contained were correct. Both of these practices violate the law.

The settlement provides benefits to borrowers in the signing states whose loans are owned by the settling banks as well as to many of the borrowers whose loans they service.

Key provisions of the settlement include:

- Immediate aid to homeowners needing loan modifications now, including first and second lien principal reduction. The servicers are required to work off up to $17 billion in principal reduction and other forms of loan modification relief nationwide.
- Immediate aid to borrowers who are current, but whose mortgages currently exceed their home's value. Borrowers will be able to refinance at today's historically low interest rates. Servicers will have to provide up to $3 billion in refinancing relief nationwide.
- Payments to eligible borrowers who lost their homes to foreclosure with no requirement to prove financial harm and without having to release private claims against the servicers or the right to participate in the Office of the Comptroller of the Currency (OCC) review process; $1.5 billion will be distributed nationwide. The National Mortgage Settlement Administrator mailed Notice Letters and Claim Forms in late September through early October 2012 to approximately 2 million borrowers who lost their home due to foreclosure between January 1, 2008, and December 31 2011 and whose loans were serviced by one of the five mortgage servicers that are parties to the settlement.
- Immediate payments to signing states to help fund consumer protection and state foreclosure protection efforts.

[1] United States of America, et al. v. Bank of America Corp., et al., No. 305 12-0361-RMC, in the United States District Court for the District of Columbia.

- First ever nationwide reforms to servicing standards. These servicing standards require a single point of contact, adequate staffing levels and training, better communication with borrowers, and appropriate standards for executing documents in foreclosure cases, ending improper fees, and ending dual-track foreclosures for many loans.
- State Attorneys Generals will have oversight of national banks for the first time.
  - National banks will be required to regularly report compliance with the settlement to an independent, outside monitor that reports to state Attorneys General.
  - Servicers will have to pay heavy penalties for non-compliance with the settlement, including missed deadlines.

Florida's share of the total monetary benefits under the settlement is approximately $8.4 billion:

- Florida borrowers will receive an estimated $7.6 billion in benefits from loan modifications, including principal reduction, and other direct relief.
- Approximately $170 million will be available for cash payments to Florida borrowers who lost their home to foreclosure from January 1, 2008 through December 31, 2011 and suffered servicing abuse.
- The value of refinanced loans to Florida's underwater borrowers would be an estimated $309 million.
- The State of Florida received a payment of approximately $334 million.

With respect to the $334 million payment received by The State of Florida, pursuant to the settlement agreement, each State Attorney General must designate the uses of the funds:

> To the extent practicable, such funds shall be used for the purposes intended to avoid preventable foreclosures, to ameliorate the effects of the foreclosure crisis, to enhance law enforcement efforts to prevent and prosecute financial fraud, or unfair or deceptive acts or practices and to compensate the States for costs resulting from the alleged unlawful conduct of the Defendants. Such permissible purposes for allocation of the funds include, but are not limited to, supplementing the amounts paid to state homeowners under the Borrower Payment Fund, funding for housing counselors, state and local foreclosure assistance hotlines, state and local foreclosure mediation programs, legal assistance, housing remediation and anti-blight projects, funding for training and staffing of financial fraud or consumer protections enforcement efforts and civil penalties.[2]

The Florida Attorney General transferred $74 million to the state's General Revenue Fund in two installments of $34 million and $40 million, and requested the distribution of another $60 million (technically requested by each responsible agency and approved by the Legislative Budget Commission on January 17, 2013), as provided below:

- $5 million to contract with legal aid entities within the seven regions of Florida's Regional Legal Services Delivery System to provide legal aid services.

[2] Id.

- $35 million to the Florida Housing Finance Corporation (FHFC) for down payment assistance.
- $10 million to the FHFC for housing counseling.
- $5 million to the State Courts System to help with foreclosure related issues.
- $5 million to reimburse the Office of the Attorney General for legal fees.

Of the $334 million payment received by Florida, there remains $200,080,474 in the mortgage settlement escrow account created as a result of the consent judgment entered into by the Florida Attorney General on April 4, 2012, in the case of *United States of America, et al. v. Bank of America Corp., et al*., No. 305 12-0361-RMC, to be used for the purposes enumerated above pursuant to the settlement agreement.

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (FHFC) is a state entity primarily responsible for encouraging the construction and reconstruction of new and rehabilitated affordable housing in Florida. It was created in 1997, when the Legislature enacted chapter 97-167, Laws of Florida, to streamline implementation of affordable housing programs by reconstituting the agency as a corporation. The FHFC is a public corporation housed within the Department of Economic Opportunity (DEO), but is a separate budget entity not subject to the control, supervision, or direction of the DEO. Instead, it is governed by a nine member board of directors comprised of the Secretary of the DEO, who serves as an ex officio voting member, and eight members appointed by the Governor, subject to confirmation by the Senate.

The corporation operates numerous housing programs financed with state and federal dollars, including:

- The State Apartment Incentive Loan Program (SAIL), which annually provides low-interest loans on a competitive basis to affordable housing developers;[3]
- The State Housing Initiatives Partnership Program (SHIP), which provides funds to cities and counties as an incentive to create local housing partnerships and to preserve and expand production of affordable housing;
- The Florida Homeowner Assistance Program (HAP), which includes the First Time Homebuyer Program, the Down Payment Assistance Program, the Homeownership Pool Program, and the Mortgage Credit Certificate program;
- The Florida Affordable Housing Guarantee Program, which encourages lenders to finance affordable housing by issuing guarantees on financing of affordable housing developments financed with mortgage revenue bonds;
- The HOME Investment Partnership Program, which provides low-interest loans from federal funds to developers to finance construction and rehabilitation of homes and rental program;
- The Predevelopment Loan Program, which assists nonprofit and community based organizations, local governments and public housing authorities by providing loans of up to $750,000 for predevelopment activities; and

[3] Under current law, low interest mortgage loans provided under the SAIL Program are only available for qualifying farm workers, commercial fishing workers, the elderly, and the homeless. *See* s. 420.507(22), F.S.

- The Community Workforce Housing Innovation Pilot Program (CWHIP), which awards funds on a competitive basis to promote the creation of public-private partnerships to develop, finance, and build workforce housing.

The state funds received by the FHFC for its affordable housing programs are from documentary stamp tax revenues which are distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund.[4] Pursuant to s. 420.507, F.S., the FHFC is also authorized to receive federal funding in connection with the corporation's programs directly from the Federal Government.[5]

State Apartment Incentive Loan Program (SAIL)

The FHFC administers the SAIL program which provides low-interest loans on a competitive basis to affordable housing developers each year. This money often serves to bridge the gap between the development's primary financing and the total cost of the development. The SAIL dollars are available to individuals, public entities, not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families.

A minimum of 20 percent of each development's units must be set aside for families earning 50 percent or less of the area median income. Developments that use housing credits in conjunction with this program may use a minimum set-aside of 40 percent of the units for residents earning 60 percent of the area median income. Developments in the Florida Keys Area may use a minimum set-aside of 100 percent of the units for residents with annual household incomes below 120 percent of the state or local median income, whichever is higher.

Loan interest rates are set at zero percent for those developments that maintain 80 percent of their occupancy for farmworkers, commercial fishing workers or homeless people. The interest rates are set at one percent for all other developments. Loans are issued for a maximum of 15 years unless housing credit syndication requirements or Fannie Mae requirements dictate longer terms or if the FHFC's encumbrance is subordinate to the lien of another mortgage, in which case the term may be made coterminus with the longest term of the superior loan. In most cases, the SAIL loan cannot exceed 25 percent of the total development cost and can be used in conjunction with other state and federal programs.

State Housing Initiatives Partnership Program (SHIP)

The FHFC administers the State Housing Initiatives Partnership program (SHIP), which provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low, low and moderate income families.

The SHIP dollars may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-

[4] Sections 201.15(9) and (10), F.S.
[5] *See* ss. 420.507(33) and 159.608, F.S.

downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling. The SHIP funds may be used to assist units that meet the building construction standards of ch. 553, F.S. The SHIP funds may also be used to assist manufactured housing constructed after June 1994 in accordance with the installation standards defined in the rules of the Department of Highway Safety and Motor Vehicles.

The SHIP funds are distributed on an entitlement basis to all 67 counties and 53 Community Development Block Grant entitlement cities in Florida. The minimum allocation is $350,000 and the maximum allocation is over $8.8 million. In order to participate, local governments must establish a local housing assistance program by ordinance; develop a local housing assistance plan and housing incentive strategy; amend land development regulations or establish local policies to implement the incentive strategies; form partnerships and combine resources in order to reduce housing costs; and ensure that rent or mortgage payments within the targeted areas do not exceed 30 percent of the area median income limits, unless authorized by the mortgage lender.

A minimum of 65 percent of the funds must be spent on eligible homeownership activities; a minimum of 75 percent of funds must be spent on eligible construction activities; at least 30 percent of the funds must be reserved for very-low income households (up to 50 percent of the area median income or AMI); an additional 30 percent may be reserved for low income households (up to 80 percent of the AMI); and the remaining funds may be reserved for moderate-income households (up to 120 percent of the AMI.). It is important to note that no more than 5 percent of SHIP funds may be used for administrative expenses. However, if a local government makes a finding of need by resolution, a local government may use up to 10 percent for administrative expenses. Funding for this program was established by the passage of the 1992 William E. Sadowski Affordable Housing Act. Funds are allocated to local governments each month on a population-based formula. These funds are derived from the collection of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund. Total actual disbursements are dependent upon these documentary stamp collections.

Foreclosure Cases Impact on the Judicial Branch

The home foreclosures of recent years has negatively affected the judicial branch, in terms of both funding and caseload. Florida has the largest share of foreclosure inventory of any state in the nation, with 305,766 properties in some stage of foreclosure or bank-owned as of the end of 2012.[6] Seven of the top 10 highest foreclosure markets in the nation are in Florida, with Palm Bay-Melbourne-Titusville having the highest rate of foreclosure of any metro area in the nation.[7]

The state court system is struggling with a backlog of foreclosure cases. In 2005, before the housing market crash, there were only 57,106 foreclosure filings statewide. By 2009, the number of filings dramatically increased to 399,118. The courts did not have the resources to quickly and efficiently deal with this high volume of cases. Due to constitutional and statutory requirements

[6] RealtyTrac, 4th quarter data, presented to the Florida House of Representatives Civil Justice Subcommittee by the Legislature's Office of Demographics and Research on January 24, 2013.
[7] Id.

to provide speedy trials to criminal defendants, civil filings take the brunt of any caseload backlog.[8]

Furthermore, the caseload backlog is not spread evenly across the state. While the statewide average is 11.02 percent of residential loans in foreclosure, certain areas, particularly those located in South Florida, have a much greater percentage of loans in foreclosure than other circuits. For instance, Miami-Dade has 15.56 percent of loans in foreclosure compared to only 5.26 percent in Sumter County.

The 2012 legislature appropriated $4 million to the State Courts System and $2 million to the Clerks of the Court in an effort to reduce the number of backlogged foreclosure cases in the system. In January 2013, the Legislative Budget Commission approved $4,993,500 from the National Mortgage Settlement funds to the State Court System for staffing assistance and technology upgrades to assist with the foreclosure backlog.

As of December 2012, the number of pending foreclosure cases in the trial courts was 371,119. The courts have estimated that approximately 680,000 additional foreclosure cases will be filed between FY 2012-13 and FY 2015-16.[9]

III. Effect of Proposed Changes:

The bill provides appropriations totaling $200,080,474 to the entities and for the uses enumerated below.

Section 1

The nonrecurring sum of $70,000,000 is appropriated from the Local Government Housing Trust Fund to the Department of Economic Opportunity for Fiscal Year 2013-2014 for transfer to the Florida Housing Finance Corporation (FHFC) to fund the State Housing Initiative Program (SHIP). The FHFC shall allocate the funding to all eligible counties and cities. Except as otherwise specified in this section, local governments must use this funding according to the SHIP statute and rules, and within the parameters of their adopted Local Housing Assistance Plans (LHAPs).

All funding appropriated in this section must be targeted for one or more of the following strategies:

- Rehabilitating/modifying owner-occupied houses (including blighted homes and/or neighborhoods);
- Assisting with purchases of existing housing (with or without rehabilitation);
- Providing housing counseling services;
- Providing lease-purchase assistance; and

[8] Florida Office of the State Courts Administrator, Summary Reporting System (SRS), August 19, 2011.
[9] (2013) Foreclosure Backlog Reduction Initiative, Florida Office of State Courts Administrator, on file with Senate Appropriations Committee staff.

- Implementing strategies approved by the Florida Housing Finance Corporation (FHFC) that are related to assisting households and communities impacted by foreclosures, using existing housing stock.

Of the funding provided in this section, each local government must use a minimum of 20 percent of their allocation to serve "persons with special needs" as defined in s. 420.0004(13), F.S. Before this portion of the allocation is released by the FHFC, a local government must submit an existing or new LHAP strategy for this purpose to the FHFC for approval to ensure that it meets these specifications. First priority for use of these special needs funds must be for persons with developmental, hearing, visual or mobility disabilities, with an emphasis on home modifications, including technological enhancements and devices that will allow homeowners to remain independent in their own homes and maintain their homeownership.
Local governments may not use more than 3 percent of their allocations under this section for administrative costs.

Section 2

The nonrecurring sum of $65,000,000 is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for Fiscal Year 2013-2014 for transfer to the Florida Housing Finance Corporation (FHFC) to fund the State Apartment Incentive Loan (SAIL) Program.

Each SAIL development provided funds under this section shall include up to 15 percent, but not less than 5 percent, of their units designed, constructed and targeted for individuals with developmental, hearing, visual or mobility disabilities. All developments shall be required to enter into agreements with the local Center for Independent Living, Agency for Persons with Disabilities, or other such agency approved by the Florida Housing Finance Corporation, for the purpose of coordinating services and housing for individuals with disabilities.

Affordable housing units in each development that are in addition to those required for disabled tenants shall provide reduced-rent units to serve elderly tenants and extremely low income (ELI) tenants. To the extent possible, the ELI units should be part of the FHFC's existing "Link Initiative" in which developers set aside units for special needs households, including persons with disabilities, homeless families, youth aging out of foster care, frail elders and survivors of domestic violence, who are receiving community-based supportive services and are referred by a supportive services agency in the community where the property is located.

Section 3

The nonrecurring sum of $5,262,579 is appropriated from the General Revenue Fund to the State Court System for Fiscal Year 2013-2014 to provide technology solutions that expedite foreclosure cases through the judicial process. Such technology solutions must enable judges and staff to effectively use electronic documents when disposing of foreclosure cases, produce orders electronically, provide for electronic calendaring, serve orders electronically, and generate case management reports. All technology enhancements to expedite the mortgage foreclosure cases

must be completed in accordance with standards set by the Florida Court Technology Commission regarding functionality as outlined in the Case Processing Application Standards.

Section 4

The nonrecurring sum of $9,908,948 is appropriated from the General Revenue Fund to the State Court System for Fiscal Year 2013-2014 to provide supplemental resources including, but not limited to, additional senior judge days and temporary case management staff in the trial courts to reduce the backlog of pending foreclosure cases. The nonrecurring sum of $9,908,947 is appropriated from the General Revenue Fund to the State Court System for Fiscal Year 2014-2015 for the same purpose.

Section 5

The nonrecurring sum of $7,500,000 is appropriated from the General Revenue Fund to the State Court System for the clerks of the court for Fiscal Year 2013-2014 to enhance levels of service to assist and support the courts in expediting the processing of backlogged foreclosure cases. The nonrecurring sum of $7,500,000 is appropriated from the General Revenue Fund to the State Court System for the clerks of the court for Fiscal Year 2014-2015 for the same purpose.

Section 6

The nonrecurring sum of $10 million is appropriated from the General Revenue Fund to the Department of Legal Affairs, Office of the Attorney General for Fiscal Year 2013-2014 to contract with regional legal aid service providers to provide legal aid services to low-income and moderate-income homeowners facing foreclosure. Administrative costs or fees may not be collected or used by the Office of the Attorney General, any association, or any foundation for providing such services.

Section 7

This section authorizes the Office of the Attorney General to establish, coordinate, and promote an advertising campaign, which may include public relations activities and contracting with media representatives for the purpose of dispersing promotional materials and opportunities for consumer assistance. The nonrecurring sum of $2 million is appropriated from the General Revenue Fund to the Department of Legal Affairs, Office of the Attorney General for Fiscal Year 2013-2014 for this purpose.

Section 8

The nonrecurring sum of $3 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for Fiscal Year 2013-2014 for transfer to the Florida Housing Finance Corporation for administrative expenses associated with implementing the provisions of this act.

Section 9

The nonrecurring sum of $10,000,000 is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for Fiscal Year 2013-2014 for transfer to the Florida Housing Finance Corporation (FHFC) to fund a competitive grant program to provide housing for homeless persons. The FHFC shall award funds on a competitive basis to private non-profit organizations to purchase and renovate existing houses to be used by extremely low income homeless individuals. Funds may also be awarded to private non-profit organizations to construct small specialty housing of 10 units or less for homeless families.

Section 10

This section provides that the appropriations made in the act are contingent upon the deposit of $200,080,474 into the state treasury from the escrow account created as a result of the consent judgment entered into by the Florida Attorney General on April 4, 2012, in the case of *United States of America, et al. v. Bank of America Corp., et al*., No. 305 12-0361-RMC, in the United States District Court for the District of Columbia. Of the $200,080,474, the following amounts shall be deposited in the specified funds in the state treasury: $70,000,000 shall be deposited into the Local Government Housing Trust Fund in the Department of Economic Opportunity; $78,000,000 shall be deposited into the State Housing Trust Fund in the Department of Economic Opportunity; and $52,080,474 shall be deposited into the General Revenue Fund.

Section 11

This act is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Homeowners and renters will benefit from the programs funded by the bill. Funds will provide for home modifications and renovations, and more homes and low-cost rental units being made available for low income, elderly, and special needs persons. Homeowners facing foreclosure will also receive legal aid services and counseling under the provisions of the bill. In addition, funds provided to the state courts will assist persons facing foreclosure with the timely processing of their cases in court.

C. Government Sector Impact:

This bill appropriates $200,080,474 contingent upon those funds being deposited into the state treasury from the National Mortgage Settlement. Of that amount, $70,000,000 is appropriated from the Local Government Housing Trust Fund to the FHFC, $78,000,000 is appropriated from the State Housing Trust Fund to the FHFC, and $52,080,474 is appropriated from the General Revenue Fund to the Attorney General and to the State Courts. All of the implementation costs of the bill are funded with these funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

576-02864A-13

A bill to be entitled

An act relating to funding from the National Mortgage Settlement; providing an appropriation from the Local Government Housing Trust Fund and the State Housing Trust Fund to the Department of Economic Opportunity for specified purposes; providing appropriations from the General Revenue Fund to the State Court System for specified purposes; providing appropriations from the General Revenue Fund to the Department of Legal Affairs, Office of the Attorney General, for specified purposes and providing legislative findings; providing that the appropriations of this act are contingent upon the deposit of a specified sum into the state treasury as a result of a specified consent judgment; providing an effective date.

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

Section 1. (1) The nonrecurring sum of $70 million is appropriated from the Local Government Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation (FHFC) to fund the State Housing Initiative Program (SHIP). The FHFC shall allocate the funding to all eligible counties and cities. Except as otherwise specified in this section, local governments must use this funding according to the SHIP statute and rules and within the parameters of their adopted local housing assistance plan.

(2) All funding appropriated in this section must be

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576-02864A-13

30 targeted for one or more of the following strategies:
31 (a) Rehabilitating or modifying owner-occupied houses,
32 including blighted homes or neighborhoods.
33 (b) Assisting with purchases of existing housing, with or
34 without rehabilitation.
35 (c) Providing housing counseling services.
36 (d) Providing lease-purchase assistance.
37 (e) Implementing strategies approved by FHFC which are
38 related to assisting households and communities impacted by
39 foreclosures, using existing housing stock.
40 (3) Of the funding provided in this section, each local
41 government must use a minimum of 20 percent of its allocation to
42 serve persons with special needs as defined in s. 420.0004,
43 Florida Statutes. Before this portion of the allocation is
44 released by FHFC, a local government must submit an existing or
45 new local housing assistance plan strategy for this purpose to
46 the FHFC for approval to ensure that it meets these
47 specifications. The first priority of these special needs funds
48 must be to use them for persons with developmental, hearing,
49 visual, or mobility disabilities, with an emphasis on home
50 modifications, including technological enhancements and devices,
51 which will allow homeowners to remain independent in their own
52 homes and maintain their homeownership.
53 (4) Local governments may not use more than 3 percent of
54 their allocations under this section for administrative costs.
55 Section 2. (1) The nonrecurring sum of $65 million is
56 appropriated from the State Housing Trust Fund to the Department
57 of Economic Opportunity for the 2013-2014 fiscal year for
58 transfer to the Florida Housing Finance Corporation (FHFC) to

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fund the State Apartment Incentive Loan Program (SAIL).

(2) Each SAIL development that receives funds under this section must include up to 15 percent but not less than 5 percent of its units designed, constructed, and targeted for individuals with developmental, hearing, visual, or mobility disabilities. Each development shall be required to enter into agreements with the local Center for Independent Living, Agency for Persons with Disabilities, or other such agency approved by FHFC, for the purpose of coordinating services and housing for individuals with disabilities.

(3) Affordable housing units in each development which are in addition to those required under subsection (2) shall provide reduced-rent units to serve tenants who are elderly, as defined in s. 420.0004, Florida Statutes, and tenants who are extremely-low-income persons (ELI), as defined in s. 420.0004, Florida Statutes. To the extent possible, ELI units should be part of FHFC’s existing Link Initiative in which developers set aside units for special needs households, including households with persons with disabilities, homeless families, youth aging out of foster care, frail elders, and survivors of domestic violence who are receiving community-based supportive services and who are referred by a supportive services agency in the community where the property is located.

Section 3. The nonrecurring sum of $3 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation for administrative expenses associated with implementing the provisions of this act.

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Section 4. The nonrecurring sum of $10 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation (FHFC) to fund a competitive grant program to provide housing for homeless persons. The FHFC shall award funds on a competitive basis to private nonprofit organizations to purchase and renovate existing houses to be used by extremely-low-income homeless individuals. Funds may also be awarded to private nonprofit organizations to construct small specialty housing of 10 units or fewer for homeless families.

Section 5. The nonrecurring sum of $5,262,579 is appropriated from the General Revenue Fund to the State Court System for the 2013-2014 fiscal year to provide technology solutions that expedite foreclosure cases through the judicial process. Such technology solutions must enable judges and staff to effectively use electronic documents when disposing of foreclosure cases, produce orders electronically, provide for electronic calendaring, serve orders electronically, and generate case management reports. All technology enhancements to expedite the mortgage foreclosure cases must be completed in accordance with standards set by the Florida Court Technology Commission regarding functionality as outlined in the Case Processing Application Standards.

Section 6. The nonrecurring sum of $9,908,948 is appropriated from the General Revenue Fund to the State Court System for the 2013-2014 fiscal year to provide supplemental resources, including, but not limited to, additional senior judge days and temporary case management staff in the trial

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117 courts to reduce the backlog of pending foreclosure cases. The
118 nonrecurring sum of $9,908,947 is appropriated from the General
119 Revenue Fund to the State Court System for the 2014-2015 fiscal
120 year for the same purpose.
121 Section 7. The nonrecurring sum of $7.5 million is
122 appropriated from the General Revenue Fund to the State Court
123 System for the clerks of the court for the 2013-2014 fiscal year
124 to enhance levels of service to assist and support the courts in
125 expediting the processing of backlogged foreclosure cases. The
126 nonrecurring sum of $7.5 million is appropriated from the
127 General Revenue Fund to the State Court System for the clerks of
128 the court for the 2014-2015 fiscal year for the same purpose.
129 Section 8. The nonrecurring sum of $10 million is
130 appropriated from the General Revenue Fund to the Department of
131 Legal Affairs, Office of the Attorney General, for the 2013-2014
132 fiscal year to contract with regional legal aid service
133 providers to provide legal aid services to low-income and
134 moderate-income homeowners facing foreclosure. Administrative
135 costs or fees may not be collected or used by the Office of the
136 Attorney General, any association, or any foundation for
137 providing such services with the funds appropriated in this
138 section.
139 Section 9. The Legislature finds that there is a need for a
140 promotional campaign to increase consumer awareness of
141 affordable housing availability and housing assistance
142 opportunities as outlined in this act. To this end, the Office
143 of the Attorney General may establish, coordinate, and promote
144 such an advertising campaign, which may include public relations
145 activities and contracting with media representatives for the

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146 purpose of dispersing promotional materials and providing
147 opportunities for consumer assistance. The nonrecurring sum of
148 $2 million is appropriated from the General Revenue Fund to the
149 Department of Legal Affairs, Office of the Attorney General, for
150 the 2013-2014 fiscal year for this purpose.
151 Section 10. The appropriations in this act are contingent
152 upon the deposit of $200,080,474 into the state treasury from
153 the escrow account created as a result of the consent judgment
154 entered into by the Florida Attorney General on April 4, 2012,
155 in the case of *United States of America v. Bank of America*
156 *Corp.*, No. 305 12-0361-RMC, in the United States District Court
157 for the District of Columbia. Of the $200,080,474, the following
158 amounts shall be deposited into the specified funds in the state
159 treasury: $70 million shall be deposited into the Local
160 Government Housing Trust Fund in the Department of Economic
161 Opportunity; $78 million shall be deposited into the State
162 Housing Trust Fund in the Department of Economic Opportunity;
163 and $52,080,474 shall be deposited into the General Revenue
164 Fund.
165 Section 11. This act shall take effect upon becoming a law.

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Spoke

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/13
Meeting Date

Topic: Mortgage Settlement Funds

Bill Number: PCB *(if applicable)*

Name: Barbara Inman

Amendment Barcode: *(if applicable)*

Job Title: Exec Director Habitat for Humanity

Address: 13355 49th St. North
Street

Clearwater FL 33762
City *State* *Zip*

Phone: 727-536-4755 ext 205

E-mail: CEO@habitatpinellas.org

Speaking: [x] For [ ] Against [ ] Information

Representing: Habitat for Humanity

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Spoke

3/27/13
Meeting Date

Topic: Natl. Mortgage Settlement $

Bill Number: PCB (if applicable)

Name: Richard Pinsky

Amendment Barcode: (if applicable)

Job Title:

Address: 106 E. College Ave.
Street

Tallahassee, FL. 32301
City, State, Zip

Phone:

E-mail:

Speaking: ☐ For ☐ Against ☑ Information

Representing: Public Housing Authorities of Florida

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

Spske

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-27-2013
Meeting Date

Topic: Mortgage Settlement PCB

Bill Number: PCB on National Mortgage Settlement *(if applicable)*

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Speaking: [x] For [ ] Against [ ] Information

Representing: Fla. Bar Foundation

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Fiscal Year 2013-2014

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
											BEGINNING LINE #						
	EMERGENCY MANAGEMENT, EXECUTIVE OFFICE OF THE GOVERNOR											**4**					
	ECONOMIC OPPORTUNITY, DEPARTMENT OF											**27**					
	STATE, DEPARTMENT OF											**96**					
	TRANSPORTATION, DEPARTMENT OF											**137**					
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	HIGHWAY SAFETY & MOTOR VEHICLES, DEPARTMENT OF											**243**					

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1		**FISCAL YEAR 2013-14 BASE BUDGET (Operating Cost from Prior Year) FOR ALL TED AGENCIES**															
2		**BASE BUDGET (OPERATING COSTS FROM PRIOR YEAR)**	**14,012.50**	**66,539,385**	**-**	**2,056,059,576**	**2,122,598,961**	**14,012.50**	**66,539,385**	**-**	**2,056,059,576**	**2,122,598,961**	**14,012.50**	**66,539,385**	**-**	**2,056,059,576**	**2,122,598,961**
3																	
4		**EMERGENCY MANAGEMENT, EXECUTIVE OFFICE OF THE GOVERNOR**															
5		**BASE BUDGET (OPERATING COSTS FROM PRIOR YEAR)**	**153.00**	**-**	**-**	**34,525,385**	**34,525,385**	**153.00**	**-**	**-**	**34,525,385**	**34,525,385**	**153.00**	**-**	**-**	**34,525,385**	**34,525,385**
6	2000500	REALIGN BUDGET AUTHORITY TO MORE ACCURATELY REFLECT PROGRAM EXPENDITURES - DEDUCT Realigns base budget authority between appropriation categories and trust funds to more accurately reflect expenditures - nets to zero with Issue #200600.				(464,237)	(464,237)				(464,237)	(464,237)		-	-	(464,237)	(464,237)
7	2000600	REALIGN BUDGET AUTHORITY TO MORE ACCURATELY REFLECT PROGRAM EXPENDITURES - ADD Realigns base budget authority between appropriation categories and trust funds to more accurately reflect expenditures - nets to zero with Issue #200500.				464,237	464,237				464,237	464,237		-	-	464,237	464,237
7 A	30011C0	DECREASED WORKLOAD FOR A PRIMARY DATA CENTER TO SUPPORT AN AGENCY														(40,211)	(40,211)
8	55C01C0	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES Provides additional state and federal trust funds to cover projected costs of information technology services provided to the division by the Southwood Shared Resource Center (SSRC).		-	-	127,680	127,680		-	-	41,949	41,949		-	-	-	-
9	550B020	COMMUNITY ASSISTANCE PROGRAM Provides federal funding to help communities participating in the National Flood Insurance Program (NFIP) achieve flood loss reduction goals by: providing technical assistance to NFIP communities; evaluating community performance in implementing NFIP flood plain management activities; and building state and community flood plain management expertise and capability. The program has a cost sharing requirement - 75% federal / 25% state - the source of state match is the Emergency Management Preparedness & Assistance Trust Fund (funded by an annual surcharge on property insurance policies: $2 on residential policies; $4 on commercial policies).		-	-	459,583	459,583		-	-	459,583	459,583		-	-	459,583	459,583
10	5500200	SEVERE REPETITIVE LOSS PROGRAM Provides federal funds to local governments for mitigation activities focused on structures with the highest flood insurance claims history ("severe repetitive loss structures"). The program has a cost sharing requirement - 90% federal / 10% state - the source of state match for this program is provided by participating local governments. The state's administrative costs are funded from the Emergency Management Preparedness & Assistance Trust Fund. This federal program was created to reduce or eliminate claims under the National Flood Insurance Program through project activities that will result in the greatest savings by mitigating those structures with the highest flood insurance claims history. The Division of Emergency Management works with local governments and their Community Rating System Coordinators to conduct outreach with owners of severe repetitive loss properties to educate them on the benefits of mitigation/flood retrofitting so that they may accept reasonable mitigation offers from FEMA.		-	-	2,081,358	2,081,358		-	-	2,081,358	2,081,358		-	-	2,081,358	2,081,358

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11	5500400	ADMINISTRATIVE TRUST FUND INCREASE Provides additional funding in the Other Personal Services ($100,000), Expenses ($100,000) and Contracted Services ($150,000) appropriation categories to support the Division's on-going administrative functions, including complying with federal financial reporting requirements, distributing payroll costs, and processing vendor payments. Indirect cost assessments transferred from the Division's state and federal trust funds will support the additional budget authority.		-	-	350,000	350,000		-	-	350,000	350,000		-	-	350,000	350,000
11 A	5500410	COLLOCATED OPERATIONS FUNDING Provides "double budget" authority to more efficiently distribute expenditures across multiple grants and funds.				850,000	850,000					-				850,000	850,000
11 B	5500420	ADDITIONAL NON-RECURRING BUDGET AUTHORITY TO COVER PRIOR YEAR EXPENDITURES Provides nonrecurring budget authority to cover FY 2011-12 expenditures that should have been paid using certified forward budget authority but were paid using the current year's budget authority.				70,988	70,988					-				70,988	70,988
12	5501560	EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE BASE GRANT FUNDING INCENTIVE Provides additional state funds to local emergency management agencies in ten counties so they may pursue, obtain, and maintain national accreditation through the Emergency Management Accreditation Program. The recurring funds will be used to increase the annual base grant funding from $105,806 to $115,806 in ten counties and the nonrecurring funds will help those counties obtain accreditation. This is Phase I of this multi-year initiative. Pursuant to Section 252.373, Florida Statutes, the Division of Emergency Management allocates funding from the Emergency Management Preparedness and Assistance Trust Fund (EMPA) to local emergency management agencies and programs to maintain operational readiness of local emergency management personnel. Each county receives $105,806 base grant each year which has not been increased since the inception of the trust fund in 1994.		-	-	290,250	290,250		-	-	290,250	290,250		-	-	290,250	290,250
13	5501640	RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM Provides additional state funds to conduct workshops and training in order to increase education, heighten awareness, and strengthen emergency response efforts in counties that surround nuclear power plants. There are five nuclear reactors in Florida located at three sites (Crystal River, St. Lucie, and Turkey-Point - Miami) and two reactors located in Alabama near the state line. Revenues collected from nuclear power companies support the additional authority requested. DEM coordinates the response to a nuclear power plant emergency and updates/coordinates the plans with response organizations. The nuclear power companies provide funds annually for DEM to coordinate/oversee activities such as continuing education, conducting staff training, supporting nuclear power plant exercises, and updating/enhancing radiological emergency plans. The funding received from the nuclear power companies is also used as match for DEM s federal grant funds.		-	-	89,708	89,708		-	-	89,708	89,708		-	-	89,708	89,708

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14	5501680	FEDERAL EMERGENCY MANAGEMENT PERFORMANCE GRANT - INCREASED FUNDING Provides additional Federal Emergency Management Agency (FEMA) funding for increased levels of support for comprehensive emergency management activities at the state and local levels. Enhancing capabilities will improve the preparedness of the state and communities to respond to, recover from, and mitigate against future disasters. Included in this request is $120,000 of state and federal funds to acquire motor vehicles. This funding is provided by the Federal Emergency Management Agency (FEMA), Department of Homeland Security, and is used for: planning/catastrophic planning, implementation of the National Incident Management System/National Response Framework, All-Hazards public education, implementation of the Americans with Disabilities Act into all phases of emergency management, professional development for emergency managers, and support for county emergency management programs (regional collaboration).		-	-	8,349,725	8,349,725		-	-	8,349,725	8,349,725		-	-	8,349,725	8,349,725
15	5501750	FEDERALLY DECLARED DISASTER FUNDING Provides budget authority to continue to spend FEMA funds for open federally declared disaster events and for various federal programs that assist disaster victims (Public Assistance, Hazard Mitigation Grants, housing and other victim assistance activities). Funds will be disbursed for current contractually obligated payments to qualifying state and local governments and private non-profit organizations for disaster response and recovery related activities. General Revenue funds are requested to cover the state's required match. **Agency's Amended LBR has been updated to reflect current projected disbursements.**		-	-	246,351,030	246,351,030		-	16,056,733	172,871,209	188,927,942		-	-	246,351,030	246,351,030
16	5501860	PRE-DISASTER MITIGATION Provides authority to continue to spend federal Pre-Disaster Mitigation (PDM) Grant Program funds. The PDM program provides assistance to the state and communities for activities that reduce the state's overall vulnerability to disasters and disaster-related loss of life and property (examples of activities include structure elevation, relocation or demolition, and wildfire mitigation). This is a cost-sharing program - 75% federal and 25% local - local grant recipients are responsible for the local match. State funds ($52,063 from the Emergency Management Preparedness & Assistance Trust Fund) are requested to cover DEM's projected management costs associated with the program. **Agency's Amended LBR has been updated to reflect current projected disbursements.**		-	-	7,828,905	7,828,905		-	-	7,208,322	7,208,322		-	-	7,828,905	7,828,905
17	5501870	REPETITIVE FLOOD CLAIMS PROGRAM Provides authority to continue to spend federal Repetitive Flood Claims Program (RFCP) funds for currently open grant awards. This federal FEMA program provides assistance to all classes of flood damaged structures, from a single loss to several losses, of which there are approximately 16,500 in Florida. These grant funds may be used for projects that include structure elevation, relocation or demolition, and minor localized flood reduction projects. There is no state or local match requirement for this program and the grants awards have a three year performance period. **Agency's Amended LBR has been updated to reflect current projected disbursements.**		-	-	3,337,857	3,337,857		-	-	2,038,417	2,038,417		-	-	3,337,857	3,337,857

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18	5503000	STATE LOGISTICS RESPONSE CENTER INCREASED FUNDING Provides additional state trust funds from the Emergency Management Preparedness and Assistance Trust Fund ($293,149) and the Grants and Donations Trust Fund ($5,405 transferred to DEM by the Department of Health) to cover the State Logistics Response Center's annual rent increase and other operating expenses. The 200,000 square foot facility, located in Orlando, warehouses essential water, meals, medical, shelter and other emergency supplies and serves as the state's principal mobilization and staging area for state and federal resources and responders.		-	-	298,554	298,554		-	-	298,554	298,554		-	-	298,554	298,554
18 A	5503010	DEEPWATER HORIZON BLOCK GRANT FUNDING Provides additional nonrecurring budget authority to continue reimbursing state agencies (DEP, FWC, and DACS) for costs incurred related to the Deepwater Horizon Oil Spill.				775,584	775,584					-				775,584	775,584
19	5503030	KEY STAFF FOR LONG TERM RECOVERY OFFICE Provides state and federal funds to support five existing full-time positions. These positions were initially established as "time-limited" positions to accommodate the long-term workload and technical assistance required for several major disasters dating back to the 2004 hurricanes, but due to on-going workload demands, funding is requested to continue through June 30, 2014. Positions were established to fill key roles in the Florida Recovery Office operating in Orlando with a branch in Pensacola and field offices in South Florida.		-	-	303,565	303,565		-	-	303,565	303,565		-	-	303,565	303,565
20	5503040	KEY STAFF FOR NON-DISASTER MITIGATION PROGRAMS Provides state and federal funds to support one existing full-time position. This position was initially established as "time-limited" position, but due to on-going workload demands, funding is requested to continue through June 30, 2014.		-	-	62,918	62,918		-	-	62,918	62,918		-	-	62,918	62,918
21	5503500	U.S. DEPARTMENT OF TRANSPORTATION FUNDING INCREASE Provides additional authority to spend recurring federal funds from the U.S. Department of Transportation for hazardous materials emergency planning and training.		-	-	11,455	11,455		-	-	11,455	11,455		-	-	11,455	11,455
21 A	5503600	US DEPARTMENT OF COMMERCE - FIRSTNET PUBLIC SAFETY NATIONWIDE BROADBAND PROJECT Provides additional authority to perform grant management activities related to an anticipated 3 year federal planning grant to establish a single nationwide, interoperable public safety broadband network - related to Issue # 300580 in DHSMV.				151,020	151,020					-				151,020	151,020
22	5504050	FLOOD MITIGATION ASSISTANCE PROGRAM Provides federal Flood Mitigation Assistance Program (FMAP) funds to support flood mitigation activities that reduce or eliminate the long term risk of flood damage to buildings, manufactured homes and other structures insured under the National Flood Insurance Program (NFIP). This program has a cost-sharing requirement - 75% federal / 25% state. The source of the state match for this program is from local grant recipients. The state's management costs are funded from the Emergency Management Preparedness & Assistance Trust Fund.		-	-	6,023,600	6,023,600		-	-	6,023,600	6,023,600		-	-	6,023,600	6,023,600
23	990G000	GRANTS AND AIDS - FIXED CAPITAL OUTLAY														-	-

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24	140527	EMERGENCY MANAGEMENT CRITICAL FACILITY NEEDS - provides state funds allocated annually from the Florida Hurricane Catastrophe Fund for shelter retrofit projects. These funds are projected to create an additional 12,500 additional hurricane evacuation shelter spaces by improving existing facilities. Pursuant to Section 215.559, Florida Statutes, DEM receives an annual distribution from the Florida Hurricane Catastrophe Fund to fund shelter retrofit projects as identified in the most current version of the Shelter Retrofit Report prepared in accordance with Section 252.385(3), Florida Statutes. DEM reviews projects submitted by county emergency management agencies in collaboration with other partner organizations (local American Red Cross chapters and school boards) that participate in hurricane shelter planning and operations. By statute, DEM must prioritize the use of funds for projects included in the annual report. The division must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize the use of state funds.				3,000,000	3,000,000				3,000,000	3,000,000				3,000,000	3,000,000
25	**EMERGENCY MANAGEMENT, (EOG) Total**		**153.00**	**-**	**-**	**315,339,165**	**315,339,165**	**153.00**	**-**	**16,056,733**	**238,005,998**	**254,062,731**	**153.00**	**-**	**-**	**315,171,274**	**315,171,274**
26																	
27	**ECONOMIC OPPORTUNITY, DEPARTMENT OF**																
28		**BASE BUDGET (OPERATING COSTS FROM PRIOR YEAR)**	**1,621.00**	**14,811,404**		**631,349,909**	**646,161,313**	**1,621.00**	**14,811,404**	**-**	**631,349,909**	**646,161,313**	**1,621.00**	**14,811,404**	**-**	**631,349,909**	**646,161,313**
28 A	1600010	REALIGNMENT OF FTE, RATE, AND OPERATING BUDGET AUTHORITY TO INSOURCE CONTRACT COMPLIANCE FUNCTIONS - DEDUCT (EOG #B0294)	-4.00	(60,664)		(248,496)	(309,160)						-4.00			(309,163)	(309,163)
28 B	1600020	REALIGNMENT OF FTE, RATE, AND OPERATING BUDGET AUTHORITY TO INSOURCE CONTRACT COMPLIANCE FUNCTIONS - ADD (EOG #B0294)	4.00	-		309,160	309,160						4.00			309,163	309,163
28 C	1600030 / 1600050 / 2600010	REQUEST REALIGNMENT OF POSITIONS, RATE, AND OPERATING BUDGET DUE TO RESTRUCTURING WITHIN THE WORKFORCE SERVICES PROGRAM - ADD (EOG #O0030 and EOG #P0028)	14.00			903,012	903,012						15.00			903,012	903,012
28 D	1600040 / 1600060 / 2600020	REQUEST REALIGNMENT OF POSITIONS, RATE, AND OPERATING BUDGET DUE TO RESTRUCTURING WITHIN THE WORKFORCE SERVICES PROGRAM - DEDUCT (EOG #O0030 and EOG #P0028)	-14.00			(903,012)	(903,012)						-15.00			(903,012)	(903,012)
29	17C01C0	DEDUCT AGENCY DATA CENTER SERVICES FUNDING Realigns base budget authority between appropriation categories to consolidate information technology functions within the Southwood Shared Resource Center (SSRC) - nets to zero with Issue #17C02C0. .		(9,096)	-	(854,982)	(864,078)		(7,943)	-	(746,581)	(754,524)		(7,943)	-	(746,580)	(754,523)
30	17C02C0	ADD SERVICES PROVIDED BY PRIMARY DATA CENTER Realigns base budget authority between appropriation categories to consolidate information technology functions within the Southwood Shared Resource Center (SSRC) - nets to zero with Issue #17C01C0.		9,096	-	854,982	864,078		7,943	-	746,581	754,524		7,943	-	746,580	754,523
31	2000100	REALIGN BUDGET AUTHORITY TO MORE ACCURATELY REFLECT PROGRAM EXPENDITURES - DEDUCT Technical issue that realigns budget authority in the Reemployment Assistance Program ($6,562,106) and Housing and Community Development ($787,864) budget entities - nets to zero with Issue #2000200.		-	-	(7,349,970)	(7,349,970)		-	-	(7,349,970)	(7,349,970)		-	-	(7,349,970)	(7,349,970)
32	2000200	REALIGN BUDGET AUTHORITY TO MORE ACCURATELY REFLECT PROGRAM EXPENDITURES - ADD Technical issue that realigns budget authority in the Reemployment Assistance Program ($6,562,106) and Housing and Community Development ($787,864) budget entities - nets to zero with Issue #2000100.		-	-	7,349,970	7,349,970		-	-	7,349,970	7,349,970		-	-	7,349,970	7,349,970

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33	2000300	DEDUCT STATEWIDE ADJUSTMENTS MADE AGAINST NONRECURRING BUDGET AUTHORITY Technical issue that corrects a statewide adjustment made to recurring budget authority.		-	-	(3,249)	(3,249)		-	-	-	-		-	-	(3,249)	(3,249)
34	2000500	CONSOLIDATE BUDGET AUTHORITY FOR CONTRACTED SERVICES - DEDUCT Technical issue that consolidates all "contracted services" operating budget authority in the same appropriation category - nets to zero with Issue # 2000600.		(294,459)	-	(898,470)	(1,192,929)		(294,459)	-	(898,470)	(1,192,929)		(480)	-	(1,192,448)	(1,192,928)
35	2000600	CONSOLIDATE BUDGET AUTHORITY FOR CONTRACTED SERVICES - ADD Technical issue that consolidates all "contracted services" operating budget authority in the same appropriation category - nets to zero with Issue # 2000500.		294,459	-	898,470	1,192,929		294,459	-	898,470	1,192,929		480	-	1,192,448	1,192,928
36	2000700	REALIGN BUDGET AUTHORITY TO MORE ACCURATELY REFLECT ADMINISTRATIVE EXPENDITURES - DEDUCT Technical issue that realigns General Revenue funding that was transferred from the former Department of Community Affairs to support department-wide administrative activities - nets to zero with Issue #2000800. .		(43,302)	-	-	(43,302)		(43,302)	-	-	(43,302)		(43,302)	-	-	(43,302)
37	2000800	REALIGN BUDGET AUTHORITY TO MORE ACCURATELY REFLECT ADMINISTRATIVE EXPENDITURES - ADD Technical issue that realigns General Revenue funding that was transferred from the former Department of Community Affairs to support department-wide administrative activities - nets to zero with Issue #2000700.		43,302	-	-	43,302		43,302	-	-	43,302		43,302	-	-	43,302
38	20010C0	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - DEDUCT Governor's Recommendation - additional information will be provided by the Governor's staff in work papers.		-	-	-	-		-	-	(12,362)	(12,362)		-	-	(12,362)	(12,362)
39	20020C0	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - ADD Governor's Recommendation - additional information will be provided by the Governor's staff in work papers.		-	-	-	-		-	-	12,362	12,362		-	-	12,362	12,362
40	2401500	REPLACEMENT OF MOTOR VEHICLES Provides nonrecurring state funds from the Special Employment Security Administration Trust Fund to replace four of DEO's vehicles that have exceeded the replacement guidelines of the Department of Management Services. The department primarily uses vehicles to maintain facilities in Tallahassee and Tampa, warehouse operations in Tallahassee, and for travel related to all of the departments programs, including reemployment assistance benefit payment investigations, Community Development Block Grant site monitoring, and small business development training. The department has conducted an internal cost analysis and would purchase the vehicles using the state term contract. .		-	-	82,000	82,000		-	-	-	-		-	-	82,000	82,000
41	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS Statewide issue to adjust base budget to the agency's allocated payment to the Division of Administrative Hearings (DOAH). The allocated share is based on the actual number of hearing hours utilized by the agency in FY 2011-12.		-	-	-	-		(173,326)	-	-	(173,326)		(173,327)	-	-	(173,327)

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42	33V0010	ELIMINATE DISPLACED HOMEMAKERS PROGRAM Governor's Recommendation eliminates the Displaced Homemakers Program and redirects the fees provided for the program to the General Revenue Fund.		-	-	-	-		-	-	(1,816,434)	(1,816,434)		-	-	-	-
43	33V0030	INITIAL SKILLS REVIEW - REDUCE FUNDING BASED ON NUMBER OF PARTICIPANTS The DEO currently contracts with a vendor to implement the Initial Skills Review requirement. The current contract, scheduled to expire on June 30, 2013, was based on a projected number of participants that has not materialized.		-	-	(700,000)	(700,000)		-	-	(700,000)	(700,000)		-	-	(700,000)	(700,000)
44	330C200	REAL ESTATE INITIATIVE SAVINGS Governor's Recommendation - additional information will be provided by the Governor's staff in work papers.		-	-	-	-		-	-	(2,999)	(2,999)		-	-	-	-
45	33001C0	REDUCTIONS FROM TECHNOLOGY SERVICE CONSOLIDATIONS Governor's Recommendation - additional information will be provided by the Governor's staff in work papers.		-	-	-	-		(3,439)	-	(322,434)	(325,873)		-	-	(542,277)	(542,277)
46	3300250	REDUCE BUDGET AUTHORITY TO REFLECT AVAILABLE REVENUE Reduces operating budget authority ($136,568) in the Displaced Homemakers Trust Fund to reflect available program revenues and eliminates unfunded operating budget authority ($787) in the Grants and Donations Trust Fund in the Strategic Business Development budget entity.		-	-	(137,355)	(137,355)		-	-	(787)	(787)		-	-	(787)	(787)
47	3400010	REALIGN FUND SOURCES FOR ON-GOING ECONOMIC DEVELOPMENT OPERATIONS - DEDUCT Maximizes the use of economic development trust funds and reduces the need for General Revenue to support DEO's on-going administrative operations - nets to zero with Issue #3400020.		(269,169)	-	(999,275)	(1,268,444)		(269,169)	-	(999,275)	(1,268,444)		(1,338,804)	-	(1,543,295)	(2,882,099)
48	3400020	REALIGN FUND SOURCES FOR ON-GOING ECONOMIC DEVELOPMENT OPERATIONS - ADD Maximizes the use of economic development trust funds and reduces the need for General Revenue to support DEO's on-going administrative operations - nets to zero with Issue #3400010.		167,733	-	1,100,711	1,268,444		167,733	-	1,100,711	1,268,444		-	-	2,882,099	2,882,099
49	3200100 / 3405000	REDUCE BUDGET AUTHORITY TO REFLECT LOSS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BLOCK GRANT [TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FROM TRUST TO GENERAL REVENUE - DEDUCT Governor's Recommendation to address the projected statewide TANF shortfall - 100% of the projected shortfall is reduced in the G/A-Regional Workforce Boards appropriation category and restored in Issue # 340600 with recurring General Revenue funds.]		-	-	-	-		-	-	(41,143,879)	(41,143,879)		-	-	(15,000,000)	(15,000,000)
50	3406000	TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FROM TRUST TO GENERAL REVENUE - ADD Companion to Issue #3405000.		-	-	-	-		41,143,879	-	-	41,143,879		-	-	-	-
51	36201C0	PROVIDE ADDITIONAL FUNDING TO SUPPORT DEPARTMENT-WIDE INFORMATION TECHNOLOGY NEEDS Provides additional state and federal funds to support DEO's department-wide information technology (IT) needs, including email system maintenance, Voice Over Internet Protocol (VOIP), upgraded disaster recovery service, training for web security applications, and staff augmentation for various on-going IT Projects.		-	-	1,456,480	1,456,480		-	-	993,874	993,874		-	-	993,874	993,874

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52	36318C0	REEMPLOYMENT ASSISTANCE BENEFITS SYSTEM REPLACEMENT Provides nonrecurring budget authority to spend federal funds to complete the development and implementation of "Project Connect" - the replacement project started in 2009 and the system is scheduled to "go-live" in November 2013.		-	-	1,193,648	1,193,648		-	-	1,193,648	1,193,648		-	-	1,193,648	1,193,648
53	4B00010	CONTINUATION OF STATE-LEVEL POSITIONS TO ENHANCE FINANCIAL MONITORING AND OVERSIGHT OF REGIONAL WORKFORCE BOARDS Continues funding provided in FY 2012-13 to enhance financial monitoring and oversight of the Regional Workforce Boards. Proviso language in the FY 2012-13 GAA required DEO to submit a report to the Legislature by February 1, 2013 describing the specific work activities assigned to these positions and the outcomes of the enhanced oversight. The report was submitted timely and is available for review.	4.00	-	-	375,370	375,370	4.00	-	-	375,370	375,370	4.00	-	-	375,370	375,370
54	4B00020	INSPECTOR GENERAL'S OFFICE - ADDITIONAL STATE POSITIONS NEEDED FOR AUDIT AND INVESTIGATION ACTIVITIES Provides three positions and state and federal funds to address the on-going workload needs of the Inspector General's Office. The IG's Office experienced a significant workload increase with the merger of three state agencies into the DEO.	3.00	-	-	234,264	234,264		-	-	-	-	3.00	-	-	234,264	234,264
55	4200200	ENTERPRISE FLORIDA, INC. - FLEXIBLE FUNDING FOR ECONOMIC DEVELOPMENT TOOLS Provides nonrecurring state funds in a lump sum appropriation category for various economic development programs, incentives, and activities. DEO will be required to submit a budget amendment (14-day consultation period) to request the allocation of these funds. These funds may be used for Quick Action Closing (QAC) Fund projects, Innovation Incentive Program projects, High Impact Performance Incentives (HIPI), Qualified Target Industry (QTI) tax refunds, Qualified Defense Contractor (QDC) tax refunds, and Brownfields incentives (QTI bonus and redevelopment grants).		-	29,019,686	75,980,314	105,000,000		-	29,019,686	75,980,314	105,000,000		-	-	20,021,106	20,021,106
56	4200300	ENTERPRISE FLORIDA, INC. - RESERVE STATE FUNDS FOR ECONOMIC DEVELOPMENT OPPORTUNITIES Provides nonrecurring state funds in a qualified expenditure category (QEC) for various economic development programs, incentives, and activities. DEO will be required to submit a budget amendment to request the allocation of these funds, which requires the approval of the Legislative Budget Commission. These funds may be used for Quick Action Closing (QAC) Fund projects, Innovation Incentive Program projects, High Impact Performance Incentives (HIPI), Qualified Target Industry (QTI) tax refunds, Qualified Defense Contractor (QDC) tax refunds, and Brownfields incentives (QTI bonus and redevelopment grants).		-	-	15,703,695	15,703,695		-	158,000,000	15,703,695	173,703,695		-	-	-	-
57	4200400	ESTABLISH AND MAINTAIN INTERNATIONAL ECONOMIC DEVELOPMENT OFFICES IN CHINA AND JAPAN Provides state funds from the Florida International Trade and Promotion Trust Fund to contract for two additional international economic development offices.		-	-	600,000	600,000		-	-	600,000	600,000		-	-	150,000	150,000
58	4200410	CONTINUE FLORIDA EXPORT DIVERSIFICATION AND EXPANSION PROGRAMS Provides state funds from the Florida International Trade and Promotion Trust Fund to continue two programs previously funded under a federal grant that will expire this year.		-	-	350,000	350,000		-	-	350,000	350,000		-	-	-	-

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59	4200420	ESTABLISH AND MARKET A STATEWIDE BUSINESS BRAND FOR FLORIDA Provides state funds to continue to implement Enterprise Florida's new business brand: FLORIDA - the Perfect Climate for Business.		2,700,000	300,000	-	3,000,000		2,700,000	300,000	-	3,000,000		-	1,500,000	-	1,500,000
60	4200430	ENTERPRISE FLORIDA, INC. - ECONOMIC DEVELOPMENT When presenting the Governor's Recommendations, the Governor's staff indicated that nonrecurring state trust funds are provided to Enterprise Florida, Inc., for the Southeast US/Japan and FLOR/KOR international advocacy initiative. SouthEast/ U.S. Japan Association (SEUS/Japan) and Florida/Korea Economic Cooperation Committee (FLOR/KOR) bring together senior representatives from both sides at annual meetings held alternately in the U.S. promoting economic development of trade, investment, tourism, education and culture at a statewide level. The organizations also provide access to top decision makers of commerce, industry, finance and government in Japan & Korea not available from any other government agency.		-	-	-	-		-	-	200,000	200,000		-	-	200,000	200,000
61	4200440	ECONOMIC DEVELOPMENT - INTERNATIONAL AFFAIRS Governor's Recommendation provides additional recurring state trust funds to Enterprise Florida, Inc., for international affairs.		-	-	-	-		-	-	80,000	80,000		-	-	-	-
62	4200900	FLORIDA SPORTS FOUNDATION - INCREASE CURRENT FUNDING LEVEL Provides additional operating budget authority in the Professional Sports Development Trust Fund in anticipation of additional revenues being available in that fund.		-	-	-	-		-	-	1,000,000	1,000,000		-	-	1,000,000	1,000,000
63	4300100	VISIT FLORIDA - INCREASE CURRENT FUNDING LEVEL Restores $10.5 million of nonrecurring state funds to maintain VISIT FLORIDA's FY 2012-13 funding level of $54 million. The Governor's Recommendation provides an additional $21 million for VISIT FLORIDA, for a total of $75 million (mix of General Revenue, SEED and Tourism Promotional Trust Funds). VISIT Florida is the direct support organization that executes the state's domestic and international tourism marketing plan. Enterprise Florida, Inc., contracts with VISIT Florida to implement tourism marketing services, functions and programs.		-	2,300,000	8,200,000	10,500,000		-	23,300,000	8,200,000	31,500,000		-	4,400,000	6,100,000	10,500,000
63 A	proviso	TRANSFER FUNDS FROM VISIT FLORIDA TO SPACE FLORIDA Proviso language directs VISIT FLORIDA to transfer $1.5 million of nonrecurring State Economic Enhancement and Development (SEED) trust funds to Space Florida to market and promote the space tourism industry in Florida's Space Coast Region.											$1,500,000 from nonrecurring SEED trust funds transferred from VISIT FLORIDA to Space Florida in proviso				

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64	4400100	SPACE FLORIDA - MAINTAIN CURRENT FUNDING LEVEL Restores $6 million of nonrecurring state funds to maintain Space Florida's FY 2012-13 funding level of $10 million. Space Florida (SF) is an independent special district that fosters aerospace business development in the state. SF is the single point of contact for state aerospace-related activities with federal agencies, the military, state agencies, business, and the private sector. SF develops and implements strategies to accelerate space-related economic growth and development. SF also assists aerospace and aviation companies to receive the necessary financing to grow and prosper within the State. SF works with the Department of Education to promote educational programs for future growth of the space industry in Florida.		-	6,000,000	-	6,000,000		-	-	6,000,000	6,000,000		-	6,000,000	-	6,000,000
65	4400110	SPACE FLORIDA - FINANCING PROGRAM FOR AEROSPACE INDUSTRY Provides nonrecurring state funds for Space Florida's financing program.		-	10,000,000	-	10,000,000		-	10,000,000	-	10,000,000		-	1,000,000	-	1,000,000
66	4500100	CONTINUE FUNDING TO SUPPORT THE INSTITUTE FOR THE COMMERCIALIZATION OF PUBLIC RESEARCH Restores $1 million of nonrecurring state funds to maintain the Institute's FY 2012-13 funding level. The Institute's mission is economic development through the commercialization of new discoveries generated from publicly funded research. The Institute was formed by the Florida Legislature in 2007 as a non-profit organization that works collaboratively with the technology licensing and commercialization offices of Florida's eleven state universities as well as private research institutions that receive public funding (H. Lee Moffitt Cancer Center, Mann Research Center, LLC, The Scripps Research Institute, Torrey Pines Institute for Molecular Studies, and The Florida Institute for Human and Machine Cognition). The Institute supports entrepreneurship and commercialization of publicly-funded research across the state, and provides a programmatic approach to new company creation and entrepreneurial excellence statewide. **Senate Proposal - proviso language provides that $1 million of nonrecurring General Revenue funds is contingent upon CS/SB 546, or similar legislation, becoming law.**		-	-	1,000,000	1,000,000		-	-	1,000,000	1,000,000		-	1,000,000	1,500,000	2,500,000
66 A	4600010	ECONOMIC DEVELOPMENT PROJECTS AND INITIATIVES - ROWING CENTER IN SARASOTA COUNTY													2,500,000	-	2,500,000
66 B	4600020	ECONOMIC DEVELOPMENT PROJECTS AND INITIATIVES - MIAMI DESIGN DISTRICT INFRASTRUCTURE ENHANCEMENT													1,000,000	-	1,000,000
66 C	4700020	CONTINUE FUNDING FOR THE FLORIDA MANUFACTURING EXTENSION PARTNERSHIP Restores nonrecurring funding for the Partnership														500,000	500,000
66 D	4600030	ECONOMIC DEVELOPMENT PROJECTS AND INITIATIVES - MOSSY HEAD INDUSTRIAL PARK INFRASTRUCTURE - WALTON COUNTY													1,800,000	-	1,800,000

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67	4700310	CONTINUE FUNDING TO ADVOCATE INTERNATIONAL BUSINESS RELATIONSHIPS Governor's Recommendation includes $100,000 for an international economic development office in Tel Aviv, Israel, and also provides 200,000 in nonrecurring state funds for undesignated international advocacy initiatives.		-	-	500,000	500,000		-	-	300,000	300,000		-	-	100,000	100,000
67 A	4700310	BILATERAL COOPERATION IN PRIVATE SECTOR INDUSTRIAL RESEARCH AND DEVELOPMENT - MEMORANDUM OF UNDERSTANDING WITH ISRAEL Funds would be matched by Israel and used to fund research and development proposals submitted jointly by companies from Florida and Israel. Projects would be in the life sciences industries as well as clean energy and information technology.														1,000,000	1,000,000
67 B	4700310	CAMACOL (LATIN CHAMBER OF COMMERCE OF THE UNITED STATES) - FLORIDA TRADE AND EXHIBITION CENTER													400,000	-	400,000
68	4700330	RECOGNITION OF ECONOMIC DEVELOPMENT ACHIEVEMENTS Governor's Recommendation provides recurring General Revenue for "Recognition Awards for Transformational Economic Development." Potential recipients include Enterprise Florida, Inc., Economic Development Organizations, universities and state colleges, Regional Workforce Boards, Small Business Development Centers, and local Economic Development Councils.		-	-	-	-		36,000,000	-	-	36,000,000		-	-	-	-
69	4800010	CONTINUE FUNDING TO SUPPORT THE FLORIDA DEFENSE SUPPORT TASK FORCE Restores $2 million of nonrecurring state funds to maintain the Task Force's FY 2012-13 funding level. The Task Force was created in the 2011 Legislative Session to help prepare the state to compete in any federal base realignment and closure action, support military research and development in the state, and improve the state's position as a military-friendly environment.		-	-	2,000,000	2,000,000		-	-	2,000,000	2,000,000		-	5,000,000	-	5,000,000
70	4800030	CONTINUE MILITARY BASE PROTECTION FUNDING Restores $1 million of nonrecurring state funds to maintain the FY 2012-13 funding level for military base protection ($150,000) and defense reinvestment ($850,000) initiatives. The funds in this issue will be used for retaining and expanding Department of Defense facilities by evaluating current facilities and their community interfaces for safety and effectiveness and providing resources to strengthen mission capabilities of the facilities.		-	-	1,000,000	1,000,000		-	-	1,000,000	1,000,000		-	-	1,000,000	1,000,000
71	4900110	MAINTAIN CURRENT FUNDING LEVEL FOR OPERATIONS OF THE OFFICE OF FILM AND ENTERTAINMENT Restores nonrecurring funding to cover the office's on-going program expenditures.		40,000	-	80,000	120,000		40,000	-	80,000	120,000		-	-	-	-
72	5000110	IMPLEMENT FLORIDA'S ECONOMIC DEVELOPMENT INCENTIVES DATABASE AND PORTAL Provides nonrecurring funding to complete the department's incentive database and portal project, including the additional reporting requirements for economic development programs included in the CS/SB 406.		-	250,000	-	250,000		-	250,000	-	250,000	2.00	-	250,000	398,000	648,000

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73	55C01C0	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES Provides state and federal funds to implement the data center consolidation initiative - DEO is required by law to have its data center fully consolidated within the SSRC by October 31, 2013.		4,255	3,417	759,480	767,152		-	-	185,000	185,000		-	-	-	-
74	6100250	REDIRECT GENERAL REVENUE FROM ECONOMIC DEVELOPMENT FUND SHIFT TO COVER PROGRAM EXPENDITURES Provides the General Revenue generated by the fund shift in Issues #3400010 and #3400020 to the Community Planning budget entity to cover on-going program expenditures.		101,436	-	-	101,436		101,436	-	-	101,436		-	-	-	-
75	6100300	INCREASE FUNDING FOR TECHNICAL PLANNING AND ASSISTANCE Provides additional state trust funds for the Division of Community Development to provide technical assistance to Florida communities related to growth management and economic development initiatives. These funds are derived from a statutory distribution of Documentary Stamp Tax specifically for technical assistance to local governments. (Section 201.15, Florida Statutes) .		-	-	725,000	725,000		-	-	725,000	725,000		-	-	725,000	725,000
75 A	6200000	REGIONAL PLANNING COUNCILS													2,500,000	-	2,500,000
76	6300030	STATE SMALL BUSINESS CREDIT INITIATIVE Provides operating budget authority to continue the administration of the federally-funded State Small Business Credit Initiative, which is designed to increase access to credit for small businesses.		-	-	925,296	925,296		-	-	925,296	925,296		-	-	925,296	925,296
77	6300050	CONTINUE FUNDING FOR THE HISPANIC BUSINESS INITIATIVE OUTREACH PROGRAM Restores $775,000 of nonrecurring state funds to maintain the program's FY 2012-13 funding level. This program strengthens the local/regional economy by providing technical assistance and training to small businesses in the Hispanic community.		-	-	775,000	775,000		-	-	775,000	775,000		-	-	775,000	775,000
78	6300110	CONTINUE FUNDING FOR THE ECONOMIC GARDENING TECHNICAL ASSISTANCE PROGRAM Restores $2 million of nonrecurring state funds to maintain the program's FY 2012-13 funding level. **Agency's Amended LBR removes this request.**		-	-	2,000,000	2,000,000		-	-	-	-		-	-	-	-
79	6400030	ESTABLISH OPERATING BUDGET AUTHORITY FOR RECURRING COMMUNITY DEVELOPMENT GRANT PROGRAMS Technical issue that changes how federal funding for community development block grant programs is appropriated in the General Appropriations Act. The additional operating budget authority is needed to spend anticipated federal funds and does not reflect an increase in the level of funds that Florida expects to receive.		-	-	48,000,000	48,000,000		-	-	48,000,000	48,000,000		-	-	48,000,000	48,000,000
80	6507400	AFFORDABLE HOUSING PROGRAMS Florida Housing Finance Corporation's request to spend revenues available in the State Housing Trust Fund for affordable housing programs that include: State Apartment Incentive Loan (SAIL) Program, Homeownership Assistance Program (HAP), and the Predevelopment Loan Program (PLP). Governor's Recommendation sweeps the available revenue to the General Revenue Fund.		-	-	47,850,000	47,850,000		-	-	-	-	WILL BE ADDRESSED IN SEPARATE SUBSTANTIVE LEGISLATION	-	-	-	-

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81	6507600	STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM Florida Housing Finance Corporation's request to spend revenues available in the Local Government Housing Trust Fund for the State Housing Initiatives Partnership (SHIP) Program. Governor's Recommendation sweeps the remaining available revenue to the General Revenue Fund. The SHIP Program provides funds to local governments on a population-based formula as an incentive to produce and preserve affordable housing for very low, low and moderate income families. SHIP funds are distributed on an entitlement basis to all 67 counties and 53 Community Development Block Grant entitlement cities in Florida. The minimum allocation per county is $350,000. SHIP funds may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisitions of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.		-	-	127,380,000	127,380,000		-	-	50,000,000	50,000,000	WILL BE ADDRESSED IN SEPARATE SUBSTANTIVE LEGISLATION	-	-	-	-
82	7000010	COMMUNITY PLANNING LITIGATION - PROVIDE FUNDING TO CONTRACT WITH THE ATTORNEY GENERAL'S OFFICE Provides nonrecurring budget authority (supported by available documentary stamp revenues) for the DEO to continue to contract with the Attorney General's Office for legal assistance on an as-needed basis.		-	-	200,000	200,000		-	-	200,000	200,000		-	-	200,000	200,000
83	7000020	STRATEGIC BUSINESS DEVELOPMENT LITIGATION - PROVIDE FUNDING TO CONTRACT WITH OUTSIDE LEGAL COUNSEL Provides nonrecurring state trust funds to contract for outside legal assistance for litigation related to the repayment of economic development incentive funds provided to Digital Domain.		-	-	500,000	500,000		-	-	500,000	500,000		-	-	500,000	500,000
84	8100110	INCREASE QUICK RESPONSE TRAINING PROGRAM Governor's Recommendation provides an additional $6 million of nonrecurring state trust funds for QRT Program. This increases the QRT funding from $6 to $12 million. The Quick Response Training Program provides grant funding for customized training for both new and expanding industries in the state. The QRT program was created to provide specialized training to new workers or retraining for current employees to meet changing skill requirements caused by new technology or new product lines and to prevent potential layoffs.		-	-	-	-		-	-	6,000,000	6,000,000		-	-	-	-
84 A	8100120	ECONOMIC SECURITY REPORT OF EMPLOYMENT AND EARNINGS OUTCOMES Provides funding to support the marketing and distribution of the "Economic Security Report" to public K-12 and postsecondary students. Section 15 of HB 7135 (2012) created s. 445.07, F.S., requiring the Department of Economic Opportunity to annually prepare, or contract with an entity to prepare, an economic security report of employment and earning outcomes for degrees or certificates earned at public postsecondary educational institutions.												1,000,000		-	1,000,000
84 B	8100130	FOOD STAMP EMPLOYMENT AND TRAINING (FSET) MATCHING GRANT PROGRAM Provide additional state funds from the Special Employment Security Administration Trust Fund to draw down available federal funds for the FSET program. The program provides food stamp recipients with job search assistance and training, vocational training, education (including basic skills), referrals to other workforce services, work experience, and employment retention services.														700,000	700,000

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85 C	proviso	WORKFORCE DEVELOPMENT PROGRAMS - PRE-APPRENTICESHIP CERTIFICATE TRAINING (PACT) PROGRAM - provides veterans with career training, vocational training, and job placement services in the home building industry. **$750,000 earmarked in proviso from federal Workforce Investment Act (WIA) state set-aside funds to continue program in FY 2013-14.**											$750,000 earmarked from Employment Security Administration Trust Fund in proviso				
85 D	8100150	WORKFORCE DEVELOPMENT PROGRAMS - FLORIDA GOODWILL ASSOCIATION													750,000	-	750,000
85	8100200	SKILLS ASSESSMENT AND TRAINING SERVICES - MAINTAIN CURRENT FUNDING LEVEL Provides $2.3 million of nonrecurring General Revenue to maintain the current year's funding level for the "Ready to Work" Program. The Ready to Work program offers targeted instruction for specific job skills, resulting in a career readiness certificate used to help pair job candidates with employers.		-	2,300,000	-	2,300,000		-	2,300,000	-	2,300,000		-	2,300,000	-	2,300,000
86	9500040	INCREASE BUDGET AUTHORITY TO DISBURSE AVAILABLE FEDERAL GRANT AWARDS Technical issue that provides recurring operating budget authority in the Workforce Development ($65 million), Community Planning ($130,280) and Housing and Community Development ($326,636) budget entities to enable the DEO to spend available federal funds for various programs. The additional operating budget authority does not reflect an increase in the level of funds that Florida expects to receive. **The Agency's amended LBR reduces the amount requested in the Workforce Development budget entity by $9,709,516.**		-	-	55,747,400	55,747,400		-	-	55,747,400	55,747,400		-	-	65,456,916	65,456,916
87	9500050	INCREASE BUDGET AUTHORITY TO DISBURSE AVAILABLE STATE TRUST FUNDS Technical issue that provides recurring operating budget authority in the Housing and Community Development budget entity to enable the DEO to spend available state funds for on-going program expenditures.		-	-	5,000	5,000		-	-	5,000	5,000		-	-	5,000	5,000
88	9500060	INITIAL SKILLS REVIEW - TRANSFER BUDGET AUTHORITY BETWEEN BUDGET ENTITIES AND APPROPRIATION CATEGORIES - DEDUCT Technical issue that transfers recurring budget authority for the Initial Skills Review from the Workforce Development budget entity to the Reemployment Assistance Program budget entity to more accurately reflect program expenditures - nets to zero with Issue # 9500070.		-	-	(2,700,000)	(2,700,000)		-	-	(2,700,000)	(2,700,000)		-	-	(2,700,000)	(2,700,000)
89	9500070	INITIAL SKILLS REVIEW - TRANSFER BUDGET AUTHORITY BETWEEN BUDGET ENTITIES AND APPROPRIATION CATEGORIES - ADD Technical issue that transfers recurring budget authority for the Initial Skills Review from the Workforce Development budget entity to the Reemployment Assistance Program budget entity to more accurately reflect program expenditures - nets to zero with Issue # 9500060.		-	-	2,700,000	2,700,000		-	-	2,700,000	2,700,000		-	-	2,700,000	2,700,000
90	990G000	GRANTS AND AIDS - FIXED CAPITAL OUTLAY														-	-

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
91	143150	SPACE, DEFENSE, AND RURAL INFRASTRUCTURE Continues the current year's level of nonrecurring state funds provided for rural and defense infrastructure projects. This infrastructure fund provides grants to defense facilities and rural governments in need of financial assistance to complete infrastructure projects generating essential economic growth and expansion.		-	-	3,162,490	3,162,490		-	-	3,162,490	3,162,490		-	-	3,200,000	3,200,000
92	990M000	MAINTENANCE AND REPAIR														-	-
93	080903	REED ACT BUILDINGS PROJECTS - STATEWIDE Provides nonrecurring funds for needed maintenance and repair projects at department-owned buildings. Anticipated projects for FY 2013-14 include roof replacements at several buildings ($361,000), restroom renovations ($130,000), and installation of a boiler system at the Caldwell Building in Tallahassee ($120,000). The Department owns and operates 17 buildings, in 11 Florida cities, which were constructed years ago with federal Reed Act funds. Funds for repairs are derived from building rent payments received from the various building tenants (including several Regional Workforce Boards, the DEO, the Dept. of Education, and the Dept. of Juvenile Justice).		-	-	611,000	611,000		-	-	361,000	361,000		-	-	361,000	361,000
94		**ECONOMIC OPPORTUNITY, DEPARTMENT OF Total**	**1,628.00**	**17,494,995**	**50,173,103**	**1,028,067,842**	**1,095,735,940**	**1,625.00**	**94,518,518**	**223,169,686**	**869,107,899**	**1,186,796,103**	**1,630.00**	**14,299,273**	**30,400,000**	**772,138,874**	**816,838,147**
95																	
96		**STATE, DEPARTMENT OF**															
97		**BASE BUDGET (OPERATING COSTS FROM PRIOR YEAR)**	**407.00**	**35,982,508**	**-**	**28,602,189**	**64,584,697**	**407.00**	**35,982,508**	**-**	**28,602,189**	**64,584,697**	**407.00**	**35,982,508**	**-**	**28,602,189**	**64,584,697**
98	1708300	TRANSFERS A PORTION OF NOTARY COMMISSION FUNCTIONS FROM THE EXECUTIVE OFFICE OF THE GOVERNOR TO THE DEPARTMENT OF STATE - ADD Governor's Recommendation provides for the transfer of 1 FTE and related budget for a portion of the Notary Commission functions from the Executive Office the Governor to the Department of State. This transfer includes the administrative, clerical and initial investigative functions.		-	-	-	-	1.00	-	-	102,458	102,458		-	-	-	-
99	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS Statewide issue to adjust base budget to the agency's allocated payment to the Division of Administrative Hearings (DOAH). The allocated share is based on the actual number of hearing hours utilized by the agency in FY 2011-12		-	-	-	-		(324)	-	-	(324)		(324)	-	-	(324)
99A	30010C0	INCREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY Provides funding for additional budget to meet projected data center billing for services provided by the Southwood Shared Resource Center.												19,134		86	19,220
100	33G0700	DIVISION OF HISTORICAL RESOURCES - ELIMINATE EXCESS BUDGET Reduces excess budget authority in the Federal Grants Trust Fund. The federal grant award from the National Park Service for FY 2013-14 will be less than the amount received in current year. This reduction will correctly align budget authority for expenditures with anticipated revenue.		-	-	(284,062)	(284,062)		-	-	(284,062)	(284,062)		-	-	(284,062)	(284,062)
101	33G0720	DIVISION OF CULTURAL AFFAIRS - ELIMINATE EXCESS BUDGET Reduces excess budget authority in the Federal Grants Trust Fund. The federal grant award from the National Endowment for the Arts for FY 2013-14 will be less than the amount received in current year. This reduction will correctly align budget authority for expenditures with anticipated revenue.		-	-	(74,969)	(74,969)		-	-	(74,969)	(74,969)		-	-	(74,969)	(74,969)

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
102	33V0090	OPERATIONAL REDUCTIONS IN ELECTIONS Reduces base budget for operations in the Other Capital Outlay category in the Division of Elections. The OCO appropriation is no longer needed at the current level due to changes in technology. (Schedule VIII-B)		-	-	-	-		(63,000)	-	-	(63,000)		(63,000)	-	-	(63,000)
103	33V0100	BUILDING RENT SAVINGS Reduces base budget for operations in the Expense category related to building rent savings realized through the relocation of several offices within the department. (Schedule VIII-B)		-	-	-	-		(147,799)	-	-	(147,799)		(147,799)	-	-	(147,799)
104	33V0110	MANAGEMENT EFFICIENCIES WITHIN THE CORPORATIONS PROGRAM Reduces base budget in the Division of Corporations. This savings is related to a decrease in the amount of postage and replacement mail handling equipment no longer needed as a result of increased electronic notifications and on-line filings. Other operational costs include a rent savings realized in relocating from the Northwood Centre. (Schedule VIII-B)		-	-	-	-		(360,666)	-	-	(360,666)		(360,666)	-	-	(360,666)
105	33V0140	MANAGEMENT EFFICIENCIES WITHIN THE CULTURAL AFFAIRS PROGRAM Reduces base budget in the Division of Cultural Affairs OPS, Expense and Lease/Purchase/Equipment categories. This reduction may reduce the number of guided tours that are currently offered admission free by the Museum of Florida History staff and volunteers. (Schedule VIII-B)		-	-	-	-		-	-	(28,356)	(28,356)		-	-	-	-
106	33V0180	REDUCE FUNDING FOR CONSERVATION AND PRESERVATION OF ARCHIVAL MATERIALS Reduces base budget for Library, Archive and Information Services in the Contracted Services category. This budget is used for the conservation and preservation of archival materials.(Schedule VIII-B)		-	-	-	-		-	-	(100,000)	(100,000)		-	-	-	-
107	33V0190	MANAGEMENT STAFFING REDUCTIONS Reduces base budget by eliminating 5 FTE and related budget to provide management efficiencies the program areas of Executive Direction and Support Services and Information Technology. (Schedule VIII-B)		-	-	-	-	-3.00	(226,808)	-	-	(226,808)	-5.00	(286,804)	-	-	(286,804)
108	33V0240	RENT FUND SHIFT IN LIBRARY AND INFORMATION SERVICES Reduces base budget in the Division of Library and Information Services related to rent expenditures. The department proposes to fund shift general revenue funding to the Federal Grants Trust Fund. The square footage currently occupied in the R.A. Gray Building by the Bureau of Library Development is responsible for the Library Services and Technology Act Grant. (Schedule VIII-B)		-	-	-	-		(65,000)	-	-	(65,000)		(65,000)	-	-	(65,000)
109	33V0270	REDUCE OTHER PERSONAL SERVICES (OPS) FUNDING IN LIBRARY AND INFORMATION SERVICES Reduces base budget in the OPS category in the Records Management Trust Fund specific to the State Records Center. This reduction will compress the workload and re-distribute activity to non-OPS staff. (Schedule VIII-B)		-	-	-	-		-	-	(47,835)	(47,835)		-	-	-	-
110	33V0290	ADMINISTRATIVE CODE AND WEEKLY EXPENSE CATEGORY REDUCTION Reduces base budget in the Expense category within the Division of Library, Archives and Information Services related to the Administrative Code Weekly. The expense appropriation levels are greater than needed. (Schedule VIII-B)		-	-	-	-		-	-	(49,645)	(49,645)		-	-	(49,645)	(49,645)

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A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
111	33V2200	CONTRACTED SERVICES REDUCTION IN GRANTS AND DONATIONS TRUST FUND Reduces base budget in the Contracted Services category within the Division of Historical Resources. This reduction would affect the Public Lands Administration program of the Bureau of Archaeological Research. Repairs and maintenance to archaeological sites maintained by the Bureau may be restricted. Contractual landscaping services could be eliminated for sites such as Mission San Luis, The Grove, The DeSoto Winter Encampment site, Velda Mound and Mission San Damien. (Schedule VIII-B)		-	-	-	-		-	-	(80,000)	(80,000)		-	-	-	-
112	33V2300	CONTRACTED SERVICES REDUCTION IN GENERAL REVENUE Reduces base budget in the Contracted Services category within the Division of Historical Resources. The proposed reduction would affect the Bureau of Historic Preservation, Architectural Preservation Services program. The Division currently contracts with architectural firms for services related to the preservation and maintenance of historic properties owned or controlled by the state. The proposed reduction will limit the Division's ability to administer state-owned historic resources in a spirit of stewardship and trusteeship as mandated by state policy delineated in s. 267.061, F.S. (Schedule VIII-B)		-	-	-	-		(76,918)	-	-	(76,918)		-	-	-	-
113	330C100	VENDOR MANAGEMENT INITIATIVE SAVINGS Reduces base budget in the Contracted Services category based savings related to agency contract renegotiations. This is part of the Governor's Statewide Enterprise Initiative related to Vendor Performance Management.		-	-	-	-		(271)	-	-	(271)		(271)	-	-	(271)
114	33001C0	REDUCTIONS FROM TECHNOLOGY SERVICE CONSOLIDATIONS Base budget reduction in the Shared Resource Center category currently used to operate, manage, maintain and upgrade hardware and software associated with the agency at the Northwood Shared Resource Center. This reduction is based on projected billings.		-	-	-	-		(1,246)	-	-	(1,246)		-	-	-	-
115	3400730	GENERAL REVENUE TO THE OPERATING TRUST FUND - NOTARY COMMISSION FUNCTIONS - DEDUCT Realigns the fund source of 2 FTE and related budget from General Revenue to the Department of State's Operating Trust Fund. This fund shift is contingent upon the transfer of the Notary Commission functions from the EOG to the Department of State. Nets to zero with issue #4800200		-	-	-	-	-2.00	(86,656)	-	-	(86,656)		-	-	-	-
116	3400740	GENERAL REVENUE TO THE OPERATING TRUST FUND - NOTARY COMMISSION FUNCTIONS - ADD Realigns the fund source of 2 FTE and related budget from General Revenue to the Department of State's Operating Trust Fund. This fund shift is contingent upon the transfer of the Notary Commission functions from the EOG to the Department of State. Nets to zero with issue #4800100		-	-	-	-	2.00	-	-	86,656	86,656		-	-	-	-
117	4100200	HISTORIC PROPERTIES-MAINTENANCE Provides funding for the preservation and maintenance of historic properties leased by the Division of Historic Resources from the Board of Trustees of the Internal Improvement Trust Fund in accordance with Ch. 267, F.S. These properties include the Union Bank, Brokaw-McDougal House, the Governor John W. Martin House in Tallahassee, and other historic structures and archeological sites statewide. Funding provides for the continued integrity of the structures and their contents and to mitigate potential safety hazards to visitors.		-	500,000	-	500,000		-	200,000	-	200,000		200,000		-	200,000
118	4800100	DEPARTMENT WIDE LITIGATION EXPENSES Provides funding for litigation expenses related to elections and other departmental processes. The Attorney General's office represents the department in these cases if workload allows. In some instances, outside counsel may be hired with expertise in elections law.		-	500,000	-	500,000		-	500,000	-	500,000		-	500,000	-	500,000

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119	4800200	TENANT IMPROVEMENT REIMBURSEMENT Provides funding for tenant improvement reimbursements related to the termination of the Northwood Centre lease agreement. The department vacated the Northwood Center prior to the expiration of the termination lease date and is responsible for the remaining balance of the unamortized cost of tenant improvements in accordance with s. 216.043, F.S.		-	250,000	-	250,000		-	166,667	-	166,667		-	166,667	-	166,667
120	4900100	CULTURAL AND MUSEUM GRANTS Provides funding for general program support grants of up to $150,000 for non-profit, tax-exempt Florida corporations including, but not limited to, history museums, science museums, youth and children's museums, art museums, state service organizations, performing art centers, orchestras, dance companies, and theater groups, local or state government entities, school districts, and community colleges and universities that have cultural program activities. The approved list of 279 projects totals $21.9 million. If funds appropriated are less the total amount of the list, the funds appropriated are prorated to all projects on the list using a formula. . The grants support the general program activities of creating, producing, presenting, staging, or sponsoring multiple cultural exhibits, performances, events, or providing cultural services. Grantees match awards dollar for dollar with cash and in-kind contributions. .		-	2,500,000	-	2,500,000		-	2,500,000	-	2,500,000		-	5,000,000	-	5,000,000
120 A		FLORIDA HOLOCAUST MUSEUM - ST. PETERSBURG													500,000		500,000
121	4900200	CULTURE BUILDS FLORIDA Provides funding for specific cultural project grants of up to $25,000 for nonprofit, tax-exempt Florida corporations, local or state governmental entities such as school districts, community colleges, colleges, universities, and local arts agencies for activities in arts in education, Culture Builds Florida, museums, or for activities in any of the arts and cultural disciplines and under-served cultural communities. The approved list of 38 projects totals $830,523. Pursuant to s. 265.286(4) F.S., project grants shall be funded at full request by score until all appropriated funds are depleted. Grantees must match grant awards dollar for dollar and 25% of total project costs may be in-kind contributions.		-	800,000	-	800,000		-	-	-	-		-	830,523	-	830,523
122	4900400	FLORIDA HUMANITIES COUNCIL Provides funding for the Florida Humanities Council (FHC) to create, conduct, and coordinate activities throughout the State of Florida to commemorate Florida's 500th Anniversary. These activities include teacher's workshops, a website entitled "Teaching Florida" developed to provide K-12 teachers with background information, primary documents, film and audio material, photos and illustrations, and classroom projects tied to various aspects of Florida history and heritage. Other activities include "Florida History Moments" which are one-minute audio clips aired on public radio and a public speakers program. The Council is also involved in the upcoming 450th Anniversary of St. Augustine and will work with cultural and educational groups to plan and create events which will showcase Florida's historical assets.		-	350,000	-	350,000		-	350,000	-	350,000		-	350,000	-	350,000

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123	55C01C0	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES Provides additional budget authority to meet the projected data center billing for FY 2013-14 in the Shared Resource Center category currently used to operate, manage, maintain, and upgrade hardware and software associated with the agency that is being held at the Northwood Share Resource Center. This is based on the projected billing.		-	-	-	-		2,436	-	17,868	20,304		-	-	-	-
124	5600000	LIBRARY COOPERATIVE GRANT PROGRAM Provides funding for the Division of Library and Information Services the multi-type library cooperatives. Grant funds are used to provide training for library staff and to support sharing of resources among libraries. Grants will be matched by 10 percent in local resources and are based on applications submitted by each library cooperative organization. Funding for Library Cooperative Grants is authorized in s. 257.40-257.42, F.S. The Legislature appropriated $1.5 million in non-recurring funds for the Library Cooperative Grant Program for fiscal year 2012-2013. These funds were vetoed.		-	1,000,000	-	1,000,000		-	1,000,000	-	1,000,000		-	1,500,000	-	1,500,000
124 A	back of the bill section	Okaloosa County Library Grant $85,635 appropriated in a section in the back of the bill for FY 2012-13												**Back of the Bill $85,635**			
125	5703000	INCREASED FUNDING FOR STATE AID TO LIBRARIES Provides funding for all 67 counties and at least 21 municipalities to continue to receive State Aid as provided in s. 257.17-19, F. S. The State Aid program is designed to assure that all Florida residents have access to free public library service. The state must guarantee through its Maintenance of Effort $20,235,401, in order to continue to receive its full allotment of federal Library Services and Technology Act grant funds. The State Aid to Libraries program supports three types of grants: Operating Grants. All qualified counties are eligible to receive up to $0.25 on every $1.00 of local funds spent for the operation and maintenance of a library. Grants are prorated if the program is not fully funded. Equalization Grants. These grants are made available to those counties that qualify for an Operating Grant and that have limited local tax resources. Grants are prorated if the program is not funded at or above $31,999,233 or if libraries qualify for more than 15 percent of the appropriation. Multicounty Library Grants. These grants are made available to provide support to libraries that qualify for Operating Grants and that choose to join together to offer library service to their residents in a more cost-effective manner. These grants are not prorated.		-	6,966,799	-	6,966,799		-	6,966,799	-	6,966,799		8,031,398		-	8,031,398
126	7100030	INTERNATIONAL AFFAIRS COORDINATION Provides funding to establish an International Affairs Coordinator position within the Department of State. This position will work in conjunction with Enterprise Florida, Inc., and will be responsible for facilitating and promoting international relationships. .		-	-	-	-	1.00	74,326	18,762	-	93,088		-	-	-	-
127	7400000	HISTORIC PRESERVATION GRANTS Provides funding for Historic Preservation "Small Matching" Grants program. Grants of up to $50,000 are provided with a 1:1 match to assist in identification, excavation, protection and rehabilitation of historic and archeological sites in Florida. The approved list of 39 projects totals $1.4 million		-	1,398,773	-	1,398,773		-	1,398,773	-	1,398,773		-	1,398,773	-	1,398,773
127 A	7400000	Golden Gate Building, Martin County Interior renovations.													200,000		200,000

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127 B	7400000	Calhoun County Historic Courthouse Renovation and Repairs													649,000		649,000
127 C	7400000	City of Port St. Joe, Historic Cape San Blas Lighthouse Complex Rescue and Relocation Project													325,000		325,000
127 D	7400000	Ximenez-Fatio House Museum Restoration, St. Johns County													300,000		300,000
127 E	7400000	St. Augustine Historical Documentary Film													500,000		500,000
127 F	7400000	Government House Phase II Renovations, City of St. Augustine													1,000,000		1,000,000
127 G	7400000	Alcazar Hotel/Lightner Museum Restoration, City of St. Augustine													750,000		750,000
127 H	7400000	Chinsegut Hill Historic Plantation - The Manor House Restoration													250,000		250,000
127 I	7400000	Restoration of the Capital Theatre - City of Clearwater													750,000		750,000
127 J	7400000	Preservation of Historic Properties - City of St. Augustine, 40 St. George Street													750,000		750,000
128	9400100	REIMBURSEMENTS TO COUNTIES FOR SPECIAL ELECTIONS Provides funding for reimbursement to counties for the costs of special elections. Section 100.102, F.S. requires the state to reimburse counties for the costs of special elections to fill vacancies in legislative offices. The $2m appropriation in FY 2012-13 will satisfy all outstanding requirements.		-	1,347,000	-	1,347,000		-	-	-	-		-	500,000	-	500,000
128 A		FLORIDA AFRICAN AMERICAN PRESERVATION NETWORK													300,000		300,000
128 B		BLACK CULTURAL TOURISM ENHANCEMENT COMMISSION													1,000,000		1,000,000
129 C		ACTOR'S PLAYHOUSE, Performing Arts Center - City Coral Gables													200,000		200,000
129	990C000	CODE CORRECTIONS															-
130	080956	FACILITIES REPAIRS AND MAINTENANCE Provides funding for security and safety equipment at Mission San Luis. This funding would provide for the installation of a lightening arrest system and replace aging telecommunications wiring that has become vulnerable to lightening strikes.		-	100,000	-	100,000		-	100,000	-	100,000		-	100,000	-	100,000
131	990M000	MAINTENANCE AND REPAIR					-					-					-
132	080902	THE GROVE - REPAIR/MAINTENANCE/ADA COMPLIANCE - DMS MGD Provides funding for to support Phase II-C which continues development of the Grove as a publicly visited and accessible museum in order to fulfill the requirements of s. 267.075, F.S. The requested funds will complete the interior rehabilitation and provide access and parking for the site. Funding for Phase I in the amount of $1,579,358 was appropriated in FY 10-11 and for Phase II in the amount of $1,370,047 in FY 12-13. With Proviso - Funds shall be used in conjunction with prior year reversions which are reappropropriated in Back of Bill Section XX in the amount of $2,500,000.		-	2,750,000	-	2,750,000		-	2,750,000	-	2,750,000		-	250,000	-	250,000

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
132 A		The GROVE - PHASE II Reappropriation in section of back of bill for FY 13-14 $2,500,000.												**Back of the Bill $2,500,000**			
133	990S000	SPECIAL PURPOSE										-					-
134	083853	MUSEUM OF FLORIDA HISTORY PERMANENT EXHIBIT Provides funding for year two of multi-year funding as part of a private/public partnership for the exhibit, "Forever Changed: La Florida, 1513-1821," which will play a pivotal role in the Viva Florida 500 commemoration. The first section of the exhibit is scheduled for a February 2012 opening. This additional funding is needed to complete the remaining sections of the exhibit.		-	1,000,000	-	1,000,000		-	1,000,000	-	1,000,000		-	1,000,000	-	1,000,000
135	**STATE, DEPARTMENT OF Total**		**407.00**	**35,982,508**	**19,462,572**	**28,243,158**	**83,688,238**	**406.00**	**35,030,582**	**16,951,001**	**28,144,304**	**80,125,887**	**402.00**	**43,309,176**	**19,069,963**	**28,193,599**	**90,572,738**
136																	
137	**TRANSPORTATION, DEPARTMENT OF**																
138		**BASE BUDGET (OPERATING COSTS FROM PRIOR YEAR)**	**6,939.00**	**-**	**-**	**773,437,620**	**773,437,620**	**6,939.00**	**-**	**-**	**773,437,620**	**773,437,620**	**6,939.00**	**-**	**-**	**773,437,620**	**773,437,620**
139		**BASE BUDGET (DEBT SERVICE/FIXED CAPITAL OUTLAY)**		**-**	**-**	**155,992,303**	**155,992,303**		**-**	**-**	**155,992,303**	**155,992,303**		**-**	**-**	**155,992,303**	**155,992,303**
139 A	160S010	CORRECT FUND SOURCE IDENTIFIER - DEDUCT Realigns the base budget to correctly identify the fund source as federal, rather than state funds. Nets to zero with issue #160S020. (Agency Amended LBR)				(385,613)	(385,613)									(385,613)	(385,613)
139 B	160S020	CORRECT FUND SOURCE IDENTIFIER - ADD Realigns the base budget to correctly identify the fund source as federal, rather than state funds. . Nets to zero with issue #160S010. (Agency Amended LBR)				385,613	385,613									385,613	385,613
139 C	1601010	REALIGN BASE - DEDUCT Transfers the spending authority for OCO within the Florida Rail Enterprise budget entity to Transportation Systems and Development. The total budget is less than the threshold amount of $1,000 required to fund a qualified expenditure. Nets to zero with issue # 1601020. (Agency Amended LBR)				(505)	(505)									(505)	(505)
139 D	1601020	REALIGN BASE - ADD Transfers the spending authority for OCO within the Florida Rail Enterprise budget entity to Transportation Systems and Development. The total budget is less than the threshold amount of $1,000 required to fund a qualified expenditure. Nets to zero with issue #1601020. (Agency Amended LBR)				505	505									505	505
140	20010C0 (17C01C0)	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - DEDUCT Transfers base budget funding for Data Processing Services in the Southwood Shared Resource Center appropriations category to Expense. The additional budget authority in the expense category will allow the department to support certain software contracts rather than the SSRC. Nets to zero with issue #200120C0.		-	-	-	-		-	-	(197,549)	(197,549)		-	-	(197,549)	(197,549)
141	20020C0 (17C02C0)	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - ADD Transfers base budget funding for Data Processing Services in the Southwood Shared Resource Center appropriations category to Expense. The additional budget authority in the expense category will allow the department to support certain software contracts rather than the SSRC. Nets to zero with issue #20010C0.		-	-	-	-		-	-	197,549	197,549		-	-	197,549	197,549
142	1805010	REALIGN EXISTING POSITIONS - DEDUCT SIDE Technical issue to realign existing positions and associated salary and benefits in base budget between program areas within a budget entity. Nets to zero with issue #1805020.	-27.00	-	-	(1,728,142)	(1,728,142)	-17.00	-	-	(821,807)	(821,807)	-27.00	-	-	(1,728,142)	(1,728,142)

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A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
143	1805020	REALIGN EXISTING POSITIONS - ADD SIDE Technical issue to realign existing positions and associated salary and benefits between program areas within a budget entity. Nets to zero with issue #1805010.	27.00	-	-	1,728,142	1,728,142	17.00	-	-	821,807	821,807	27.00	-	-	1,728,142	1,728,142
144	1805030	REALIGN EXISTING POSITIONS BETWEEN BUDGET ENTITIES - DEDUCT SIDE Technical issue to realign existing positions and associated salary and benefits between program areas within a budget entity. Nets to zero with issue #1805040.	-28.00	-	-	(1,670,743)	(1,670,743)	-10.00	-	-	(676,856)	(676,856)	-28.00	-	-	(1,670,743)	(1,670,743)
145	1805040	REALIGN EXISTING POSITIONS BETWEEN BUDGET ENTITIES - ADD SIDE Technical issue to realign existing positions and associated salary and benefits between program areas within a budget entity. Nets to zero with issue #1805030.	28.00	-	-	1,670,743	1,670,743	10.00	-	-	676,856	676,856	28.00	-	-	1,670,743	1,670,743
146	2001300	REALIGN BASE BETWEEN BUDGET ENTITIES - DEDUCT Technical issue to realign base budget provided for the payment of overtime between budget entities. This issue is specific to District One's allocation of overtime funding between entities. Nets to zero with Issue #2001400.		-	-	(3,060)	(3,060)		-	-	(3,060)	(3,060)		-	-	(3,060)	(3,060)
147	2001400	REALIGN BASE BETWEEN BUDGET ENTITIES - ADD Technical issue to realign base budget provided for the payment of overtime between budget entities. This issue is specific to District One's allocation of overtime funding between entities. Nets to zero with Issue #2001300.		-	-	3,060	3,060		-	-	3,060	3,060		-	-	3,060	3,060
148	2401170	REPLACEMENT EQUIPMENT FOR MATERIALS AND TESTING LABORATORIES Provides additional funds to replace equipment used in the State Materials Laboratory in Gainesville. The equipment being replaced is either outdated, obsolete, and no longer functional or supported by vendors. This funding is for specialized equipment used to ensure that roads are constructed to meet contract specifications, to test various materials used in highway and bridge construction to ensure durability. Recurring budget of $9,000 is for equipment calibration and maintenance services.		-	-	282,000	282,000		-	-	282,000	282,000		-	-	282,000	282,000
149	2403100	ADDITIONAL EQUIPMENT FOR THE MATERIALS AND TESTING LABORATORIES Provides funding to purchase materials testing equipment for concrete, asphalt, and pipe, and for preventative maintenance. This equipment is used to perform verification and quality assurance testing to ensure materials used in roadway and bridge construction meet specifications and safety standards.		-	-	180,000	180,000		-	-	180,000	180,000		-	-	180,000	180,000
150	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS Statewide issue to adjust base budget to the agency's allocated payment to the Division of Administrative Hearings (DOAH). The allocated share is based on the actual number of hearing hours utilized by the agency in FY 2011-12.		-	-	-	-		-	-	64,231	64,231		-	-	64,232	64,232
151	30010C0	INCREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY Provides funding for additional budget to meet projected data center billing for services provided by the Southwood Shared Resource Center. This funding is requested to allow for contingencies to cover unplanned or unexpected resource requirements needed from the SSRC to address agency business needs.(See Issue Code #55C01C0 on line 160.)		-	-	300,000	300,000		-	-	-	-		-	-	56,045	56,045
152	3001080	ENHANCED TRAFFIC LAW ENFORCEMENT FOR STATE ROAD 93 - ALLIGATOR ALLEY Provides additional funding to reimburse the Department of Highway Safety and Motor Vehicles for law enforcement services provided by the Florida Highway Patrol.		-	-	129,451	129,451		-	-	129,451	129,451		-	-	129,451	129,451

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A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
153	3007000	INTELLIGENT TRANSPORTATION SYSTEMS SUPPORT Provides funding for the Tallahassee Regional Transportation Management Center (RTMC). Under the terms of a Joint Participation Agreement executed in 2008, the department reimburses the City of Tallahassee for costs associated with design, construction and project management, as well as the continuing operations and maintenance of the TRMC and Interstate 10 Freeway Management System.		-	-	243,690	243,690		-	-	243,690	243,690		-	-	243,690	243,690
154	3200100	REDUCE GRANTS AND AID - TRANSPORTATION DISADVANTAGED - MEDICAID Reduces excess base budget authority aligning expenditures with expected revenues to be transferred from the Agency for Health Care Administration based on the interagency contract between ACHA and the TD Commission.		-	-	(4,134,493)	(4,134,493)		-	-	(4,134,493)	(4,134,493)		-	-	(4,134,493)	(4,134,493)
155	33V0550	VACANT POSITION REDUCTIONS Eliminates 150 vacant positions and related budget to reflect management reductions for organizational efficiencies being implemented by the Department. These efficiencies include process improvements, consolidations and increased use of technology.	-150.00	-	-	(6,379,497)	(6,379,497)	-150.00	-	-	(6,379,497)	(6,379,497)	-150.00	-	-	(6,379,497)	(6,379,497)
156	33V1600	REDUCE POSITIONS VACANT IN EXCESS OF 180 DAYS Reduces base budget by eliminating 45 FTE's and the associated budget for vacancies over 180 days effective August 23, 2012.		-	-	-	-	-45.00	-	-	(2,522,915)	(2,522,915)		-	-	-	-
157	33001C0	REDUCTIONS FROM TECHNOLOGY SERVICE CONSOLIDATIONS Reduces base budget funding in the Shared Resource Center appropriation category currently used to operate, manage, maintain and upgrade hardware and software associated with the agency that is being held at the Southwood Shared Resource Center.		-	-	-	-		-	-	(39,781)	(39,781)		-	-	-	-
158	33013C0	STAFFING REDUCTIONS TO SUPPORT APPLICATION DEVELOPMENT PROCESSES Eliminates 9 FTE and the associated salary rate of 342,815. The Department has implemented a strategy to utilize contract staffing to support the development and maintenance processes for computer applications. (See issues #55013C0 and #55014C0 on lines 161 and 162.	-9.00	-	-	-	-	-9.00	-	-	-	-	-9.00	-	-	-	-
158 A	36230C0	MODIFICATION OF COMPUTER APPLICATIONS FOR FEDERAL ELECTRONIC DOCUMENT SHARING CAPABILITY Provides additional budget to modify department computer systems to be compatible with upcoming modifications to the Federal Highway Administration's (FHWA) financial systems. This funding will also comply with the federal mandate requiring states to provide the FHWA with a single comprehensive state geospatial transportation map covering all public roads in the state . (Agency Amended LBR)		-	-	877,846	877,846									877,846	877,846
159	36250C0	CONSTRUCTION MATERIAL ACCEPTANCE CERTIFICATION Provides budget in the Contracted Services category for the second year of a four year program to perform a mandatory technology replacement of the department's Laboratory Information Management System (LIMS). LIMS is business application used to ensure the quality of materials and workmanship for all construction projects through materials sampling, testing, and acceptance. $722,400 was appropriated in FY 12-13.		-	-	992,000	992,000		-	-	992,000	992,000		-	-	992,000	992,000

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159 A	36330C0	APPLICATION DEVELOPMENT FOR WEIGH STATIONS Provides additional budget authority to enhance the Department's Permit Application System (PAS) used to issue Overweight/Over-Dimensional road use permits, Federal grant funds are available to the department to implement an Integrated Permit Application System (IPAS) utilizing kiosks at Weigh in Motion facilities, district offices, welcome centers, and port facilities throughout the state. IPAS will provided an internet based interface to the PAS system allowing commercial motor vehicle operators to apply, pay for, and receive permits on site. (Agency Amended LBR)		-	-	300,000	300,000									300,000	300,000
160	55C01C0	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES Provides additional budget authority needed to allow for contingencies which exceed the FY 13-14 SSRC projected billing to cover unplanned or unexpected resource requirements needed to address agency business needs. (See Agency Issue #30010C0 on line 151.)		-	-	-	-		-	-	300,000	300,000	**See line 151.**	-	-	-	-
161	55013C0	STAFFING TO SUPPORT DEVELOPMENT AND MAINTENANCE PROCESSES FOR APPLICATION DEVELOPMENT - DEDUCT Realigns base budget transferring $800K from Salary & Benefits to the Contracted Services category. The realignment of budget will allow the department to utilize contract staffing to support the development and maintenance processes for computer applications. This issue nets to zero with issue #55014C0. (See issue #33013C0 on line 156)		-	-	(800,000)	(800,000)		-	-	(800,000)	(800,000)		-	-	(800,000)	(800,000)
162	55014C0	STAFFING TO SUPPORT DEVELOPMENT AND MAINTENANCE PROCESSES FOR APPLICATION DEVELOPMENT - ADD Realigns base budget transferring $800K from Salary & Benefits to the Contracted Services category. The realignment of budget will allow the department to utilize contract staffing to support the development and maintenance processes for computer applications. This issue nets to zero with issue #55014C0.		-	-	800,000	800,000		-	-	800,000	800,000		-	-	800,000	800,000
163	5504500	SUPPORT COSTS FOR BUILDINGS Provides additional budget in the Expense category to continue the lease agreement with the City of Tallahassee Airport for the housing of aircraft fleet at the State Aircraft Hangar. Currently, the Florida Forest Service, Florida Highway Patrol, Florida Fish and Wildlife Conservation Commission and the Department house aircraft at the State Aircraft Hangar.		-	-	69,756	69,756		-	-	69,756	69,756		-	-	69,756	69,756
164	5504800	EMERGENCY REPAIRS STATE BUILDINGS AND GROUNDS - OPERATING Provides funding for unanticipated expenditures related to emergency repairs to the department's building and grounds due to unforeseen circumstances.		-	-	500,000	500,000		-	-	250,000	250,000		-	-	250,000	250,000
165	6001000	SUPPORT FOR DISADVANTAGED BUSINESS ENTERPRISES Provides additional budget to expend federal grant funds administered by the Federal Highway Administration for Disadvantaged Business Enterprises. Funds will support Construction Career Days and Job Fair events designed to promote career opportunities within the construction/transportation industry among middle and high school students. The events will be held in Orlando and Fort Lauderdale. (Agency Amended LBR)		-	-	156,804	156,804		-	-	68,542	68,542		-	-	156,804	156,804

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166	6001160	TRANSFER TO DEPT OF HIGHWAY SAFETY AND MOTOR VEHICLES - REIMBURSE FOR TROOP K SERVICES ON THE FL TURNPIKE Provides additional budget over base funding to reimburse the Department of Highway Safety and Motor Vehicles (DHSMV) for law enforcement services provided by the Florida Highway Patrol Troop K, on the Florida Turnpike System.		-	-	84,673	84,673		-	-	84,673	84,673		-	-	84,673	84,673
167	6001180	TRANSFER TO THE DEPARTMENT OF HIGHWAY SAFETY - MOTOR CARRIER COMPLIANCE PROGRAM Reduces the base budget amount for the transfer of funds to the Department of Highway Safety and Motor Vehicles to support the Motor Carrier Compliance Program at DHSMV. This issue corresponds to a similar reduction in the DHSMV. (See line 247)		-	-	(800,000)	(800,000)		-	-	(800,000)	(800,000)		-	-	-	-
167 A		REDUCE BASE FUNDING - ELIMINATE TRANSFER TO DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLE FOR COMMERICAL VEHICLE ENFORCEMENT Eliminates the transfer of funds to support the Motor Carrier Compliance Program. The base budget includes $21.9M for the transfer of cash from the State Transportation Trust Fund to the Department of Highway Safety and Motor Vehicles to provide funding for the program. **(Requires conforming legislation.)**		-	-	-	-		-	-	-	-		-	-	(21,021,798)	(21,021,798)
168	6002400	SUPPORT FOR TRANSPORTATION DISADVANTAGED Provides additional budget to expend funds for transportation disadvantaged services. This increase will align the budget authority with expected revenues. $10 million of the new revenue is from the annual transfer from the State Transportation Trust Fund to the Transportation Disadvantaged Trust Fund in accordance with ch. 212-128, L.O.F. This issue also includes $150K to support federal grant funding for a Statewide Mobility Manager. (Agency Amended LBR) Senate Proposal: *Proviso - $200 for Study to determine unmet need of the transportation disadvantaged population and review existing requirements for background screening of direct service transit providers. Requires a report on findings and a methodology to incorporate unmet need as part of the funding formula allocation.*		-	-	12,833,053	12,683,053		-	-	12,683,053	12,683,053		-	-	12,833,053	12,833,053
168 A	6009910	ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY REIMBURSEMENT Provides budget authority to reimburse Orlando-Orange County Expressway Authority (OOCEA) for certain operating and maintenance costs. The amount requested is based on OOCEA's operating costs for toll facilities on the Holland East/West Expressway and Airport Plaza on the Beachline Expressway which the department is obligated to reimburse under an Assignment of Responsibilities Agreement. (Agency Amended LBR)		-	-	5,870,420	5,870,420		-	-	-	-		-	-	5,870,420	5,870,420
168 B		TAMPA BAY REGIONAL TRANSPORTATION AUTHORITY - Provides funding for a financial analysis of savings to be achieved by the consolidation of services between the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority.														200,000	200,000
169	990C000	CODE CORRECTIONS				5,227,986	5,227,986				3,775,002	3,775,002				5,227,986	5,227,986

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170	080002	MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE Provides funding for Fixed Capital Outlay building and grounds projects necessary to meet federal, state, or local requirements for life safety, environmental, and to facilitate code compliance.		-	-	3,775,002	3,775,002		-	-	3,775,002	3,775,002		-	-	3,775,002	3,775,002
170 A	088566	BUILDING ROOF REPLACEMENT Provides funding for Fixed Capital Outlay project to replace the existing metal roof at the Tampa District Seven Headquarters Administration Office. (Agency Amended LBR)		-	-	1,452,984	1,452,984		-	-	-	-		-	-	1,452,984	1,452,984
171	990E000	ENVIRONMENTAL PROJECTS							-	-	-	-					-
172	088763	ENVIRONMENTAL SITE RESTORATION Provides funding for environmental site restoration work to clean up contaminated soil and groundwater at various department facilities statewide.		-	-	1,045,000	1,045,000		-	-	1,045,000	1,045,000		-	-	1,045,000	1,045,000
173	990M000	MAINTENANCE AND REPAIR				13,701,772	13,701,772		-	-	-	-				10,000,000	10,000,000
174	080002	MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE Provides funding for capital renewal budget to sustain department--owned facilities and their building components at an operational and habitable level and preserves the value of the facilities.		-	-	3,701,772	3,701,772		-	-	-	-		-	-	-	-
175	088650	SARASOTA-MANATEE OPERATIONS CENTER - CONSTRUCTION Provides funding to initiate the design-build project to construct a 50,600 sq. ft. Sarasota-Manatee Operations Center in District one. This project will consolidate 30 existing Maintenance and Construction building to 10 new buildings at one location and house 78 employees. (Agency Amended LBR)		-	-	10,000,000	10,000,000		-	-	-	-		-	-	10,000,000	10,000,000
176	990T000	TRANSPORTATION WORK PROGRAM (Agency Amended LBR - Final Tentative)				8,424,777,656	8,424,777,656				8,149,798,470	8,149,798,470				8,476,077,656	8,476,077,656
177	080047	STATE INFRASTRUCTURE BANK LOAN REPAYMENTS		-	-	25,003,221	25,003,221		-	-	23,701,404	23,701,404		-	-	25,003,221	25,003,221
177 A	088577	MULTI-USE TRAIL SYSTEM Coast to Coast Connector Trail		-	-	-	-		-	-	-	-		-	-	50,000,000	50,000,000
178	085575	SMALL COUNTY RESURFACE ASSISTANCE PROGRAM (SCRAP)		-	-	27,661,567	27,661,567		-	-	27,661,567	27,661,567		-	-	27,661,567	27,661,567
179	085576	SMALL COUNTY OUTREACH PROGRAM (SCOP)		-	-	46,994,357	46,994,357		-	-	45,633,303	45,633,303		-	-	46,994,357	46,994,357
180	088572	COUNTY TRANSPORTATION PROGRAMS		-	-	74,924,146	74,924,146		-	-	70,038,486	70,038,486		-	-	74,924,146	74,924,146
181	088703	BOND GUARANTEE		-	-	500,000	500,000		-	-	500,000	500,000		-	-	500,000	500,000
182	088704	TRANSPORTATION PLANNING CONSULTANTS		-	-	62,730,550	62,730,550		-	-	62,730,550	62,730,550		-	-	62,730,550	62,730,550
183	088712	TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS		-	-	397,744,444	397,744,444		-	-	397,744,444	397,744,444		-	-	397,744,444	397,744,444
184	088716	INTRASTATE HIGHWAY CONSTRUCTION		-	-	2,906,821,279	2,906,821,279		-	-	2,830,924,942	2,830,924,942		-	-	2,906,821,279	2,906,821,279
185	088717	ARTERIAL HIGHWAY CONSTRUCTION		-	-	690,351,311	690,351,311		-	-	577,691,692	577,691,692		-	-	690,351,311	690,351,311
186	088718	CONSTRUCTION INSPECTION CONSULTANTS		-	-	400,777,015	400,777,015		-	-	387,061,902	387,061,902		-	-	400,777,015	400,777,015
187	088719	AVIATION DEVELOPMENT/GRANTS		-	-	158,432,198	158,432,198		-	-	169,313,484	169,313,484		-	-	158,432,198	158,432,198
188	088774	PUBLIC TRANSIT DEVELOPMENT/GRANTS		-	-	416,986,594	416,986,594		-	-	412,591,587	412,591,587		-	-	416,986,594	416,986,594
189	088777	RIGHT-OF-WAY LAND ACQUISITION		-	-	725,252,976	725,252,976		-	-	684,753,324	684,753,324		-	-	725,252,976	725,252,976
190	088790	SEAPORT - ECONOMIC DEVELOPMENT		-	-	15,000,000	15,000,000		-	-	15,000,000	15,000,000		-	-	15,000,000	15,000,000
191	088791	SEAPORTS ACCESS PROGRAM		-	-	10,000,000	10,000,000		-	-	10,000,000	10,000,000		-	-	10,000,000	10,000,000
192	088794	SEAPORT GRANTS		-	-	241,157,466	241,157,466		-	-	247,209,138	247,209,138		-	-	241,157,466	241,157,466
193	088796	HIGHWAY SAFETY CONSTRUCTION/GRANTS		-	-	143,366,803	143,366,803		-	-	143,590,563	143,590,563		-	-	143,366,803	143,366,803
194	088797	RESURFACING		-	-	524,802,941	524,802,941		-	-	525,543,510	525,543,510		-	-	524,802,941	524,802,941
195	088799	BRIDGE CONSTRUCTION		-	-	290,402,820	290,402,820		-	-	287,379,689	287,379,689		-	-	290,402,820	290,402,820
196	088807	SEAPORT INVESTMENT PROGRAM		-	-	10,000,000	10,000,000		-	-	10,000,000	10,000,000		-	-	10,000,000	10,000,000
197	088808	RAIL DEVELOPMENT/GRANTS		-	-	182,084,395	182,084,395		-	-	159,881,990	159,881,990		-	-	182,084,395	182,084,395

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
198	088809	INTERMODAL DEVELOPMENT/GRANTS		-	-	51,665,648	51,665,648		-	-	47,991,041	47,991,041		-	-	51,665,648	51,665,648
198 A		Mayport Ferry (St. Johns)														500,000	500,000
199	088810	CONTRACT MAINTENANCE WITH THE DEPARTMENT OF CORRECTIONS		-	-	19,146,000	19,146,000		-	-	19,146,000	19,146,000		-	-	19,146,000	19,146,000
200	088849	PRELIMINARY ENGINEERING CONSULTANTS		-	-	648,969,922	648,969,922		-	-	642,878,198	642,878,198		-	-	648,969,922	648,969,922
200 A	88849	Pine Hills Pedestrian Bridges, State Road 438 (Silver Star Road)														800,000	800,000
201	088850	HIGHWAY BEAUTIFICATION GRANTS		-	-	1,000,000	1,000,000		-	-	1,000,000	1,000,000		-	-	1,000,000	1,000,000
202	088853	RIGHT-OF-WAY SUPPORT		-	-	61,695,619	61,695,619		-	-	59,625,272	59,625,272		-	-	61,695,619	61,695,619
203	088854	TRANSPORTATION PLANNING GRANTS		-	-	28,813,523	28,813,523		-	-	28,113,523	28,113,523		-	-	28,813,523	28,813,523
204	088857	MATERIALS AND RESEARCH		-	-	17,053,184	17,053,184		-	-	17,053,184	17,053,184		-	-	17,053,184	17,053,184
205	088864	BRIDGE INSPECTION		-	-	18,086,171	18,086,171		-	-	18,086,171	18,086,171		-	-	18,086,171	18,086,171
206	088865	ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS - ROAD FUND		-	-	15,000,000	15,000,000		-	-	15,000,000	15,000,000		-	-	15,000,000	15,000,000
207	088866	TRAFFIC ENGINEERING CONSULTANTS		-	-	74,266,034	74,266,034		-	-	74,266,034	74,266,034		-	-	74,266,034	74,266,034
208	088867	LOCAL GOVERNMENT REIMBURSEMENT		-	-	12,029,754	12,029,754		-	-	11,629,754	11,629,754		-	-	12,029,754	12,029,754
209	088876	TOLL OPERATION CONTRACTS		-	-	62,662,370	62,662,370		-	-	62,662,370	62,662,370		-	-	62,662,370	62,662,370
210	088920	TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT		-	-	29,362,854	29,362,854		-	-	29,362,854	29,362,854		-	-	29,362,854	29,362,854
211	088922	TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT		-	-	35,062,500	35,062,500		-	-	35,062,500	35,062,500		-	-	35,062,500	35,062,500
212	089070	DEBT SERVICE		-	-	(1,030,006)	(1,030,006)		-	-	(1,030,006)	(1,030,006)		-	-	(1,030,006)	(1,030,006)
213	**TRANSPORTATION, DEPARTMENT OF Total**		**6,780.00**	**-**	**-**	**9,385,688,040**	**9,385,538,040**	**6,735.00**	**-**	**-**	**9,085,519,105**	**9,085,519,105**	**6,780.00**	**-**	**-**	**9,412,834,747**	**9,412,834,747**
214																	
215	**MILITARY AFFAIRS, DEPARTMENT OF**																
216		**STARTUP (OPERATING)**	**397.00**	**15,745,473**	**-**	**40,859,748**	**56,605,221**	**397.00**	**15,745,473**	**-**	**40,859,748**	**56,605,221**	**397.00**	**15,745,473**	**-**	**40,859,748**	**56,605,221**
217	1800210	REALIGN OPERATING FUNDING - DEDUCT Technical issue realigning existing FTE's and associated budget between budget entities. Nets to zero with issue #1800220.	-15.00	(872,405)	-	-	(872,405)	-10.00	(418,943)	-	-	(418,943)	-15.00	(872,405)	-	-	(872,405)
218	1800220	REALIGN OPERATING FUNDING - ADD Technical issue realigning existing FTE's and associated budget between budget entities. Nets to zero with issue #1800210.	15.00	872,405	-	-	872,405	10.00	418,943	-	-	418,943	15.00	872,405	-	-	872,405
219	2000100	REALIGNMENT OF EXPENDITURES - DEDUCT Technical issue realigning existing budget between categories. $70,000 base funding for Laboratory Services and $30,000 for Engineering Consultants is being transferred to the Contracted Services category to more accurately reflect expenditure needs. Nets to zero with issue #2000200		-	-	(100,000)	(100,000)		-	-	(100,000)	(100,000)		-	-	(100,000)	(100,000)
220	2000200	REALIGNMENT OF EXPENDITURES - ADD Technical issue realigning existing budget between categories. $70,000 base funding for Laboratory Services and $30,000 for Engineering Consultants is being transferred to the Contracted Services category to more accurately reflect expenditure needs. Nets to zero with issue #2000100		-	-	100,000	100,000		-	-	100,000	100,000		-	-	100,000	100,000
221	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT Provides funding for information technology software and hardware based on a recommended Life Cycle Replacement of 25%.		75,000	-	131,800	206,800		-	75,000	131,800	206,800		75,000	-	131,800	206,800
222	2402000	ADDITIONAL EQUIPMENT Provides additional funds to support the purchase of equipment for the Camp Blanding Jt. Training Center. The equipment needs are related to the upkeep and maintenance of property ($380K). This issue also includes additional and replacement equipment to support the FNG Youth Challenge Program ($113K). These are federal funds supporting federal cooperative agreements		-	-	493,450	493,450		-	-	493,450	493,450		-	-	493,450	493,450

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A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
223	2402010	ADDITIONAL EQUIPMENT - CAMP BLANDING Provides funding for replacement and additional equipment to support training sites at Camp Blanding Joint Training Center. Equipment to be purchased include Pick-up Trucks, Front End Loader, 60' Articulated Boom, Dump Truck, Chassis/Cab Tandem Axle, and Tractors.		-	-	793,500	793,500		-	-	793,500	793,500		-	-	793,500	793,500
224	3000300	INTEGRATED STATE EMERGENCY RESPONSE AND OPERATIONS Provides funding to pay the Salaries and Benefits of Guardsmen who participate in Defense Support to Civil Authorities training events and exercises. The department has previously received federal funds to support these activities.		-	100,000	-	100,000		-	100,000	-	100,000		100,000	-	-	100,000
225	3000310	FEDERAL/STATE COOPERATIVE AGREEMENT SUPPORT Provides funding for 20 FTE's associated with Federal Cooperative Agreements maintained with the U.S. Department of Defense. 9 FTE will perform maintenance and repair activities at Camp Blanding, and 11 FTE will support the Youth Challenge Program. These positions are federally funded with no state match requirements.	20.00	-	-	906,192	906,192	20.00	-	-	906,192	906,192	20.00	-	-	906,192	906,192
226	3000320	ADMINISTRATIVE SUPPORT FOR CAMP BLANDING Provides funding for 1 FTE to assist the Camp Blanding Museum Curator and the State Agency Coordinator with administrative activities. This position will replace two existing contracted positions.	1.00	-	-	41,368	41,368	1.00	-	-	41,368	41,368	1.00	-	-	41,368	41,368
227	3201000	REDUCE CONTRACTED SERVICES POSITIONS TO FULL TIME EQUIVALENT POSITIONS Reduces base budget in the Contracted Services category used to pay for contracted positions in the Youth Challenge Program. This reduction is possible if 11 FTE and $516K budget is approved in issue #300310 on line 223.		-	-	-	-		-	-	(600,000)	(600,000)		-	-	(600,000)	(600,000)
228	33V0850	REDUCE BUDGET AUTHORITY BASED ON PREVIOUS REVERSIONS Reduces base budget in the OPS, Expenses, and Contracted Services categories funded by the Camp Blanding Management Trust Fund.		-	-	-	-		-	-	(30,000)	(30,000)		-	-	-	-
229	33V1600	REDUCE POSITIONS VACANT IN EXCESS OF 180 DAYS Reduces base budget in the Salaries & Benefits category eliminating 4 FTE vacant for over 180 days.		-	-	-	-	-4.00	(28,928)	-	(115,112)	(144,040)		-	-	-	-
230	330C100	VENDOR MANAGEMENT INITIATIVE SAVINGS Reduces base budget in the Contracted Services category based on contract renegotiations.		-	-	-	-		-	-	(32,760)	(32,760)		-	-	(32,760)	(32,760)
231	36210C0	INTEGRATED EMERGENCY OPERATIONS MANAGEMENT INFORMATION SYSTEM Provides funding for software maintenance and improvements to the Integrated Emergency Operations Management Information System (IEOMS). The IEOMS supports the National Guard when called to state active duty, converting federal data into state data than can be used by the state's payroll, purchasing and accounting systems.		25,000	-	-	25,000		-	25,000	-	25,000		25,000	-	-	25,000
232	4200500	FORWARD MARCH PROGRAM Provides funding for the Forward March Program. This program provides job-readiness services at selected armories for WAGES recipients referred by local workforce boards and the Department of Children and Families.		-	1,250,000	-	1,250,000		-	1,250,000	-	1,250,000		-	1,250,000	-	1,250,000
233	4200600	ABOUT FACE PROGRAM Provides funding for the About-Face Program. This program provides both a summer and year-round after school life skills program for economically disadvantaged and at risk youths ages 13-17.		-	750,000	-	750,000		-	750,000	-	750,000		-	750,000	-	750,000
233 A		YOUTH CHALLENGE PROGRAM														500,000	500,000

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234	4500000	WORKER COMPENSATION FOR STATE ACTIVE DUTY Provides funding to reimburse the Department of Financial Services, Division of Risk Management for workers' compensation payments made to members of the Florida National Guard who were injured while on state active duty. This amount is based on actual billing for prior year. (Agency Amended LBR)		-	150,436	-	150,436		-	296,404	-	296,404		-	150,436	-	150,436
234 A	5003050	MINOR REPAIRS TO CAMP BLANDING STRUCTURES Provides additional budget to make minor repairs to the Fire Station located at Camp Blanding Joint Training Center. The fire station houses Clay County Fire & Rescue and was built in FY 2000. These funds will provide for foundation repairs. This project is not part of the 5-Year Capital Improvement Plan. (Agency Amended LBR)		-	-	150,000	150,000									150,000	150,000
235	30010C0 (55C01C0)	INCREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPORT AN AGENCY Provides funding for data processing services provided by Southwood Shared Resource Center. This adjustment is needed to align the base budget with the projected billing for FY 2013-14		-	-	-	-		88	-	-	88		60	-	-	60
236	990M000	MAINTENANCE AND REPAIR															-
237	086937	FLORIDA READINESS CENTERS REVITALIZATION PLAN - STATEWIDE Provides funding to support the Florida Armory Revitalization Program (FARP) by repairing and renovating state readiness centers in Florida. Funding for the repair and renovation of Florida's Armories began in FY 03-04 and 31 out of the planned 51 renovations have been completed. FY 12-13 funding was in the amount of $13.5 million. There are 14 armories remaining on the FARP list		-	15,000,000		15,000,000		-	15,000,000		15,000,000		-	15,000,000	-	15,000,000
238	990S000	SPECIAL PURPOSE										-					-
239	087012	DESIGN - INFANTRY SQUAD BATTLE COURSE Provides funding for the design of an Automated Infantry Squad Battle Course (ISBC) at Camp Blanding. This course is required to comply with the Training and Doctrine Command's approved urban operations training strategy		-	-	500,000	500,000		-	-	500,000	500,000		-	-	500,000	500,000
240	087013	DESIGN - MODIFIED RECORD FIRE RANGE Provides funding for the design of a Modified Record Fire Range at Camp Blanding Joint Training Center. The fire range is required in order to comply with basic weapons qualification and familiarization for the Army National Guard troops at Camp Blanding. The current range cannot accommodate the volume of soldiers utilizing the training site.		-	-	500,000	500,000		-	-	500,000	500,000		-	-	500,000	500,000
241		**MILITARY AFFAIRS, DEPARTMENT OF Total**	**418.00**	**15,845,473**	**17,250,436**	**44,376,058**	**77,471,967**	**414.00**	**15,716,633**	**17,496,404**	**43,448,186**	**76,661,223**	**418.00**	**15,945,533**	**17,150,436**	**44,243,298**	**77,339,267**
242																	
243		**HIGHWAY SAFETY & MOTOR VEHICLES, DEPARTMENT OF**															
244		**STARTUP (OPERATING)**	**4,495.50**	**-**	**-**	**391,292,422**	**391,292,422**	**4,495.50**	**-**	**-**	**391,292,422**	**391,292,422**	**4,495.50**	**-**	**-**	**391,292,422**	**391,292,422**
244 A	160A210	ADJUST POSITION AND RATE LEDGER Deletes 30 positions and 585,860 in Salary Rate and $30 in the Salaries and Benefits category in the Motorist Services Program.	-30.00			(30)	(30)						-30.00			(30)	(30)
244 B	160F070	TRANSFER FUNDS FROM OTHER PERSONAL SERVICES TO EXPENSE AND CONTRACTED SERVICES TO FUND THIRD FLORIDA HIGHWAY PATROL ACADEMY CLASS - DEDUCT Realigns base budget spending authority by transferring $416,584 of budget from the OPS category to Expense and $346,485 to Contracted Services categories. This issue continues approved budget amendment EOG#B0463. Nets to zero with issue # 2401080. (Agency Amended LBR)		-	-	(763,069)	(763,069)									(763,069)	(763,069)

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244 C	160F080	TRANSFER FUNDS FROM OTHER PERSONAL SERVICES TO EXPENSE AND CONTRACTED SERVICES TO FUND THIRD FLORIDA HIGHWAY PATROL ACADEMY CLASS - ADD Realigns base budget spending authority by transferring $416,584 of budget from the OPS category to Expense and $346,485 to Contracted Services categories. This issue continues approved budget amendment EOG#B0463. Nets to zero with issue # 2401070. (Agency Amended LBR)		-	-	763,069	763,069									763,069	763,069
244 D	160M100	LEASE OR LEASE-PURCHASE OF EQUIPMENT - DEDUCT Realigns existing budget base to properly align spending authority for the lease or lease-purchase of equipment in the appropriate budget category pursuant to Ch. 2011-45. Funding is being transferred from Expense to Lease/Lease Purchase of Equipment. Nets to zero with issue #160M120. Agency Amended LBR)		-	-	(31,382)	(31,382)									(31,382)	(31,382)
244 E	160M120	LEASE OR LEASE-PURCHASE OF EQUIPMENT - ADD Realigns existing budget base to properly align spending authority for the lease or lease-purchase of equipment in the appropriate budget category pursuant to Ch. 2011-45. Funding is being transferred from Expense to Lease/Lease Purchase of Equipment. Nets to zero with issue #160M100. (Agency Amended LBR)				31,382	31,382									31,382	31,382
244 F	1600610	TRANSFER FROM SALARIES & BENEFITS CATEGORY TO CONTRACTED SERVICES CATEGORY FOR RECRUITMENT AND ADVERTISING CAMPAIGN - DEDUCT Realigns base budget providing to transfer of budget authority from Salaries and Benefits Gas Tax Collection Trust Fund, to the Contracted Services appropriations category. The additional budget will be used to conduct a recruitment and advertising campaign relating to highway safety and motorist outreach efforts. Nets to zero with issue #1600620. (Agency Amended LBR)				(258,609)	(258,609)									(258,609)	(258,609)
244 G	1600620	TRANSFER FROM SALARIES & BENEFITS CATEGORY TO CONTRACTED SERVICES CATEGORY FOR RECRUITMENT AND ADVERTISING CAMPAIGN - ADD Realigns base budget providing for the transfer of budget authority for Salaries and Benefits in the Gas Tax Collection Trust Fund, to the Contracted Services appropriations category. This additional budget in Contracted Services will be used to conduct a recruitment and advertising campaign relating to highway safety and motorist outreach efforts. Nets to zero with issue #1600610. (Agency Amended LBR)				258,609	258,609									258,609	258,609
244 H	2000010	TRANSFER POSITIONS FROM MOTORIST SERVICES TO THE FLORIDA HIGHWAY PATROL - DEDUCT Provides for the transfer of positions and related budget from Motorist Services to the Highway Patrol. These positions are responsible for conducting research and crime analysis in support of law enforcement operations. Nets to zero with issue #200020. (Agency Amended LBR)	-6.00	-	-	(301,477)	(301,477)						-6.00			(301,477)	(301,477)
244 I	2000020	TRANSFER POSITIONS FROM MOTORIST SERVICES TO THE FLORIDA HIGHWAY PATROL - ADD Provides for the transfer of positions and related budget from Motorist Services to the Highway Patrol. These positions are responsible for conducting research and crime analysis in support of law enforcement operations. Nets to zero with issue #200010. (Agency Amended LBR)	6.00	-	-	301,477	301,477						6.00			301,477	301,477

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244 J	2000070	TRANSFER FROM SALARIES AND BENEFITS TO OVERTIME - FLORIDA HIGHWAY PATROL PROGRAM - DEDUCT Realigns existing federal spending authority for the payment overtime and transfers the budget from Salaries and Benefits to the Overtime appropriations category. Nets to zero with issue #2000080. (Agency Amended LBR)		-	-	(537,129)	(537,129)									(537,129)	(537,129)
244 K	2000080	TRANSFER FROM SALARIES AND BENEFITS TO OVERTIME - FLORIDA HIGHWAY PATROL PROGRAM - ADD Realigns existing federal spending authority for the payment overtime and transfers the budget from Salaries and Benefits to the Overtime appropriations category. Nets to zero with issue #2000070. (Agency Amended LBR)		-	-	537,129	537,129									537,129	537,129
244 L	2000210	TRANSFER POSITION FROM THE FLORIDA HIGHWAY PATROL TO THE KIRKMAN DATA CENTER PROGRAM- DEDUCT Realigns 1 FTE and related budget between budget entities to more accurately reflect expenditures associated with Information Systems Administration. Nets to zero with issue #2000220. (Agency Amended LBR)	-1.00	-	-	(83,516)	(83,516)						-1.00			(83,516)	(83,516)
244 M	2000220	TRANSFER POSITION FROM THE FLORIDA HIGHWAY PATROL TO THE KIRKMAN DATA CENTER PROGRAM- ADD Realigns 1 FTE and related budget between budget entities to more accurately reflect expenditures associated with Information Systems Administration. Nets to zero with issue #2000210. (Agency Amended LBR)	1.00	-	-	83,516	83,516						1.00			83,516	83,516
244 N	2000640	TRANSFER FROM MOBILE DATA TERMINAL TO COMMUNICATIONS/FLOIRDA HIGHWAY PATROL PROGRAM - DEDUCT Realigns $870K in spending authority for communications software licensing from the Mobile Data Terminal System category to the FHP Communications Systems category. Nets to zero with issue #2000650. (Agency Amended LBR)		-	-	(870,000)	(870,000)									(870,000)	(870,000)
244 O	2000650	TRANSFER FROM MOBILE DATA TERMINAL TO COMMUNICATIONS/FLOIRDA HIGHWAY PATROL PROGRAM - ADD Realigns $870K in spending authority for communications software licensing from the Mobile Data Terminal System category to the FHP Communications Systems category. Nets to zero with issue #2000640. (Agency Amended LBR)		-	-	870,000	870,000									870,000	870,000
244 P	2000660	TRANSFER FUNDING TO PAY OUTSIDE CONTRACTOR FROM PURCHASE OF DRIVER LICENSES - DEDUCT Realigns existing spending authority for expenditures associated with driver license issuance from the Purchase of Driver Licenses category to the Pay Outsider Contractor category. Nets to zero with issue #2000670. (Agency Amended Request)				(11,088,304)											-
244 Q	2000670	TRANSFER FUNDING FROM PURCHASE OF DRIVER LICENSES CATEGORY TO PAY OUTSIDE CONTRACTOR - ADD Realigns existing spending authority for expenditures associated with driver license issuance from the Purchase of Driver Licenses category to the Pay Outsider Contractor category. Nets to zero with issue #2000660. (Agency Amended Request)				11,088,304											-

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
244 R	2004C10	TRANSFER TO TAX COLLECTOR NETWORK FROM DEFERRED COMMODITY TO FUND REFRESH OF THE FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM - ADD Realigns existing base budget spending authority between the Tax Collector Network and Deferred Commodity Payment appropriations categories to provide funding for the Florida Real Time Vehicle Information System equipment refresh. This transfer is necessary to fund components of the project which cannot be financed and cannot be paid from the Deferred Commodity appropriation category, and will complete the FRVIS refresh of the equipment located in tax collector's offices statewide. Nets to zero with issue # 2004C20. (Agency Amended LBR)		-	-	1,426,295	1,426,295									1,426,295	1,426,295
244 S	2004C20	TRANSFER TO TAX COLLECTOR NETWORK FROM DEFERRED COMMODITY TO FUND REFRESH OF THE FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM - DEDUCT Realigns existing base budget spending authority between the Tax Collector Network and Deferred Commodity Payment appropriations categories to provide funding for the Florida Real Time Vehicle Information System equipment refresh. This transfer is necessary to fund components of the project which cannot be financed and cannot be paid from the Deferred Commodity appropriation category, and will complete the FRVIS refresh of the equipment located in tax collector's offices statewide. Nets to zero with issue # 2004C10. (Agency Amended LBR)		-	-	(1,426,295)	(1,426,295)									(1,426,295)	(1,426,295)
245	2401080	REPLACE REGIONAL COMMUNICATION CENTER TELEPHONE SYSTEMS, FLORIDA HIGHWAY PATROL PROGRAM Provides funding to continue the replacement of PBX telephone systems at the Florida Highway Patrol's seven regional communication centers with Voice Over IP type systems which began in FY 2010-11. This funding will complete the telephone system replacement at RCC'S in Tampa, Orlando, Fort Myers, and Lake Worth. Funding is from the Federal Law Enforcement Trust Fund.		-	-	787,275	787,275		-	-	787,275	787,275		-	-	787,275	787,275
246	2401520	REPLACEMENT OF PURSUIT VEHICLES WITH 100,000 MILES FOR THE FLORIDA HIGHWAY PATROL Provides funding for the replacement of 394 pursuit vehicles for the Florida Highway Patrol. Replacement costs is estimated at $28,805 per vehicle. This funding when added to base budget funding of $3.6 million will allow the department to replace a total of 520 vehicles driven in excess of 100,000 miles.		-	-	11,350,797	11,350,797		-	-	11,350,797	11,350,797		-	-	3,398,990	3,398,990
247	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS Statewide issue to adjust base budget to the agency's allocated payment to the Division of Administrative Hearings (DOAH). The allocated share is based on the actual number of hearing hours utilized by the agency in FY 2011-12.		-	-	-	-		-	-	174,446	174,446		-	-	174,446	174,446
248	3000A20	CUSTOMER SERVICE CENTER MEMBER PERFORMANCE BONUS PROGRAM Provides authorization to implement a performance based bonus program in the Motorist Services Program, Customer Service Center. This program would be limited to Senior Consumer Service Analysts, and within this classification, limited to about 50 FTE who spend the majority of their time answering customer telephone calls. The total cost of the performance award program is expected to be $42K, which can be absorbed within existing budget authority. No budget is being requested, only the authority to implement the bonus program.		-	-	1	1		-	-	-	-		-	-	-	-

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
248 A	3000580	PROVIDING FUNDING FOR STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM Provides non-recurring budget authority to support the public safety broadband network system initiatives for the State and Local Implementation Grant Program pursuant to the Middle Class Tax Relief and Job Creation Act of 2012. (Agency Amended LBR)		-	-	4,882,980	4,882,980									4,882,980	4,882,980
248 B	3000780	REALIGN FUNDING FOR THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT - ADD Realigns $775K in federal funding with the Motor Carrier Compliance budget entity. Spending authority is transferred from the Human Resources Development category to Contracted Services. The realignment is needed to reflect the expenditure of grant funds as requested in the grant applications. Nets to zero with issue #3000790. (Agency Amended LBR)		-	-	775,749	775,749									775,749	775,749
248 C	3000790	REALIGN FUNDING FOR THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT - DEDUCT Realigns $775K in federal funding within the Motor Carrier Compliance budget entity. Spending authority is transferred from the Human Resources Development category to Contracted Services. The realignment is needed to reflect the expenditure of grant funds as requested in the grant applications. Nets to zero with issue #3000780. (Agency Amended LBR)		-	-	(775,749)	(775,749)									(775,749)	(775,749)
248 D	3007610	CONTINUE FUNDING FOR THE 2010 DRIVER'S LICENSE SECURITY GRANT PROGRAM Continues spending authority in order to complete the implementation of the 2010 Driver's License Security Grant, which was awarded in FY 10-11 by the U.S. Department of Homeland Security. The $1.6M award has been used to improve processes that enhance office efficiencies, expand public information efforts, incorporate digital image technologies and advance external communications and data management technologies with the public. The department expects to expend $1.2M by the end of the current fiscal year. (Agency Amended LBR)		-	-	455,000	455,000									455,000	455,000
248 E	3007620	CONTINUE FUNDING FOR THE 2011 DRIVER'S LICENSE SECURITY GRANT PROGRAM Continues spending authority in order to complete the implementation of the 2011 Driver's License Security Grant, which was awarded in FY 11-12 by the U.S. Department of Homeland Security in the amount of $1.6M. Federal funds have been used to improve processes that advance external communications and data management technologies with automobile insurance companies and the driving public. The department expects to expend $662K by the end of the current fiscal year. (Agency Amended LBR)				978,411	978,411									978,411	978,411
249	33V0020	EFFICIENCY REDUCTION COMMERCIAL VEHICLE ENFORCEMENT PROGRAM Reduces base budget funding of $250K in Contracted Services and $550K in the Overtime categories. This reduction is based on a review of program operations to identify areas where costs can be reduced to generate savings and maximize program resources. This reduction is from state funds and does not impact the ability to meet federal Maintenance of Effort requirements. (Schedule VIII-B)		-	-	-	-		-	-	(800,000)	(800,000)		-	-	(800,000)	(800,000)

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
250	33V0210	CLOSE STATE OPERATED DRIVER LICENSE OFFICES This reduction is in accordance with s. 322.135, F.S., which requires all driver license functions be assumed by the sixty four constitutionally elected tax collectors by June 30, 2015. This issue proposes the closure of 3 state owned and five leased facilities. The offices are located Gainesville, Sebring, Lakeland, Clermont, Okeechobee, Orlando and Haines City. The 39 FTE are filled positions but can be expected to transfer to Tax Collector Offices as part of the transition. (Schedule VIII-B)		-	-	-	-	-39.00	-	-	(972,153)	(972,153)	-39.00	-	-	(972,153)	(972,153)
251	33V0260	RELOCATE LEASED OFFICE FACILITIES TO A STATE-OWNED FACILITY Reduces base budget expense category in the Motorist Services Program as a result of relocating the Bureau of Administrative Reviews and the Motor Vehicles Field Operations Regional Office from a leased facility to a state owned building. (Schedule VIII-B)		-	-	-	-		-	-	(59,800)	(59,800)		-	-	(59,800)	(59,800)
252	33V0270	CONTINUED EFFICIENCIES FROM MOTORIST SERVICES REORGANIZATION Reduces base budget Salary & Benefits category resulting from continued efficiencies gained from reorganizing the Motorist Services Program. This position is filled by will become vacant on 6/30/2013. (Schedule VIII-B)		-	-	-	-	-1.00	-	-	(31,079)	(31,079)	-1.00	-	-	(31,079)	(31,079)
253	33V0280	REDUCE PRINTING COSTS FOR UNIFORM TRAFFIC CITATION AND DRIVER EXCHANGE FORMS Reduces base budget Expense category by eliminating the requirement of the Department to supply crash report forms and reducing the number of uniform traffic citation forms provided to law enforcement agencies. Section 316.068, F.S., requires the department to supply crash forms to law enforcement agencies. (Schedule VIII-B)		-	-	-	-		-	-	(120,000)	(120,000)		-	-	-	-
254	33V0290	REDUCTION DUE TO FINANCIAL RESPONSIBILITY MODERNIZATION Reduces base budget Salary & Benefits and Expense categories related to the redesign of the financial responsibility system. The Financial Responsibility System is used to identify uninsured motorist. (Schedule VIII-B)		-	-	-	-	-1.00	-	-	(95,759)	(95,759)	-1.00	-	-	(95,759)	(95,759)
255	33V0300	REDUCE ADMINISTRATIVE SERVICES SUPPORT STAFF Reduces base budget Salary & Benefits category with the elimination of 1.5 FTE. This reduction can be accomplished by redistributing workload within existing staff. (Schedule VIII-B)		-	-	-	-	-2.50	-	-	(90,819)	(90,819)	-2.50	-	-	(90,819)	(90,819)
256	33V0320	REDUCE TELEPHONE SHELVES TO CUSTOMER SERVICE CENTER Reduces base budget Expense category by eliminating 7 of the 10 phone circuits, or shelves, that route phone calls made to the local driver license office to the long-distance customer service line. This would remove all circuits in areas where the Department will no longer provide state driver license services after 2015. Approximately 25,000 calls are routed per week, with about 60% of the calls routed through this process coming from Miami-Dade, Broward and Volusia counties where the phone circuits would be retained. (Schedule VIII-B)		-	-	-	-		-	-	(50,000)	(50,000)		-	-	(50,000)	(50,000)
257	33V0360	ELIMINATE THE CUSTOMER SERVICE CENTER APPOINTMENT CENTER Reduces base budget in the Salary & Benefits category by eliminating the Customer Service Center Appointment Unit. This unit schedules appointments in 35 counties statewide. In FY 2011-12, 359,400 phone calls were taken to schedule appointments, which accounts for approximately 20% of total appointments scheduled. The no-show rate for appointments is estimated to be approximately 50%. After June 30, 2015, state operated driver licenses services will only be available in Miami-Dade, Broward and Volusia counties. County Tax Collectors in the remaining 64 counties will provide this service. (Schedule VIII-B)		-	-	-	-	-22.00	-	-	(745,715)	(745,715)		-	-	-	-

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
257 A	33V5250	REDUCE OTHER PERSONAL SERVICES FUNDING Reduces base budget OPS category as a result of the elimination of a rest area security contract. This issue will eliminate excess spending authority. (Agency Amended LBR)		-	-	(919,800)	(919,800)									(919,800)	(919,800)
258	33V0710	REDUCE THE KIRKMAN BUILDING SECURITY STAFF Reduces base budget in the Salaries & Benefits category by eliminating 3 of the 5 security guards who provide security services at the Neil Kirkman Building. Security is provided 24 hours per day, seven days a week. This reduction would result in the elimination of night and weekend security services. These are filled positions. (Schedule VIII-B)		-	-	-	-	-3.00	-	-	(93,264)	(93,264)		-	-	-	-
259	330C100	VENDOR MANAGEMENT INITIATIVE SAVINGS Reduces base budget in the Contracted Services category based on contract renegotiations.		-	-	-	-		-	-	(28,294)	(28,294)		-	-	(28,294)	(28,294)
260	30011C0 (33001C0)	DECREASED WORKLOAD FOR A PRIMARY DATA CENTER TO SUPPORT AN AGENCY Reduces base budget in the Shared Resource Center categories currently used to operate, manage, maintain and upgrade hardware and software used by the agency. This reduction is based on FY 2013-14 projected billings.		-	-	-	-		-	-	(528,555)	(528,555)		-	-	(495,679)	(495,679)
260 A	3400200	TRANSFER FUNDING FROM THE LAW ENFORCEMENT TRUST FUND FOR OPERATION OF MOTOR VEHICLES - DEDUCT Transfers base budget fund source from the Law Enforcement Trust Fund to the Highway Safety Operating Trust Fund in the Operation of Motor Vehicles appropriation category. This transfer is necessary to align projected revenues with expenditures. Nets to zero with issue #3400210. (Agency Amended LBR)		-	-	(856,801)	(856,801)									(856,801)	(856,801)
260 B	3400210	TRANSFER FUNDING FROM THE LAW ENFORCEMENT TRUST FUND FOR OPERATION OF MOTOR VEHICLES - ADD Transfers base budget fund source from the Law Enforcement Trust Fund to the Highway Safety Operating Trust Fund in the Operation of Motor Vehicles appropriation category. This transfer is necessary to align projected revenues with expenditures. Nets to zero with issue #3400200. (Agency Amended LBR)				856,801	856,801									856,801	856,801
261	3400420	TRANSFER FUNDING TO THE HIGHWAY SAFETY OPERATING TRUST FUND FROM THE FEDERAL GRANTS TRUST FUND - ADD Realigns fund source to continue the Fatal Accident Reporting System (FARS) federal grant program. In prior years, the U.S.DOT, through the National Safety Traffic Administration has fully funded the departments participation in the FARS program. Federal funds available for this program are now being capped at $200K per year and require state matching funds. Realigning the fund source of 2 FTE and $86K will meet the state match requirement and allow the department to continue to fully participate in the grant program. Nets to zero with issue #3400430.	2.00	-	-	68,944	86,861	2.00	-	-	86,861	86,861	2.00	-	-	86,861	86,861
262	3400430	TRANSFER FUNDING FROM THE FEDERAL GRANTS TRUST FUND TO THE HIGHWAY SAFETY OPERATING TRUST FUND - DEDUCT Realigns fund source to continue the Fatal Accident Reporting System (FARS) federal grant program. In prior years, the U.S.DOT, through the National Safety Traffic Administration has fully funded the departments participation in the FARS program. Federal funds available for this program are now being capped at $200K per year and require state matching funds. Realigning the fund source of 2 FTE and $86K will meet the state match requirement and allow the department to continue to fully participate in the grant program. Nets to zero with issue #3400420.	-2.00	-	-	(68,944)	(86,861)	-2.00	-	-	(86,861)	(86,861)	-2.00	-	-	(86,861)	(86,861)

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
263	36115C0 36116C0	DRIVER RELATED ISSUANCE AND VEHICLE ENHANCEMENTS (DRIVE) MOTORIST SERVICES MODERNIZATION Provides funding for year 1 of a 5 year information technology project to modernize the technology used to deliver motorist services. Phase I of this project includes 5 foundational projects: (1) Migrate off the mainframe; (2) Migrate from a vendor Supplied Driver License Capture Application to a Department owned system; (3) Merge and Modernize the Driver and Vehicle Renewal Process; (4) Seek Industry Expertise to Plan, Acquire, and Implement and Electronic Content Management System; and (5) Re-engineer the Electronic Filing System and Processes. $4.2 million of the requested funding is non-recurring, and year 2 Funding is expected to be $1.7 million.		-	-	4,981,541	4,981,541		-	-	4,981,541	4,981,541		-	-	4,981,541	4,981,541
264	36143C0	ENHANCEMENT OF DISASTER RECOVERY AND STANDBY SYSTEMS Provides funding to update and enhance the Department's disaster recovery capabilities by increasing the number of systems included under the plan implementing a recovery strategy to restore critical services to ensure continuity of ongoing business services. The department currently maintains a hot standby environment to support essential law enforcement functions. This funding would allow the department to move the standby environment to a secure data center facility outside of the panhandle for geographic separation and expand the environment to include other subsets of critical system needs. (Agency Amended LBR)		-	-	487,472	487,472		-	-	-	-		-	-	487,472	487,472
264 A	36162C0	DRIVER AND VEHICLE INFORMATION SYSTEM MODERNIZATION (DAVID) Provides funding to complete the redesign and deployment of the Driver and Vehicle Information Database (DAVID) system. DAVID is a set of secure web-based applications that provide real-time access of driver and vehicle records to law enforcement and related entities. $760K was appropriated for the DAVID system in FY 12-13. (Agency Amended LBR)		-	-	140,000	140,000									140,000	140,000
265	36180C0	REPLACEMENT OF COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM FLORIDA HIGHWAY PATROL PROGRAM Provides funding to implement a new Computer Aided Dispatch System and Records Management System solution due to the expiration of the current contract in May of 2013. The CAD system supports calls for service from the public and officer initiated calls from the patrol and eight other state agencies. The system tracks officer locations from Mobile Data Terminals located in the patrol cars. The Records Management System is used to collect data and initiate reports such a crash reports, citations, warnings, traffic stop data, arrest, radar logs, etc. The recurring portion of this request ($1.8) is for the software license and maintenance of the system.		-	-	15,000,000	15,000,000		-	-	15,000,000	15,000,000		-	-	15,000,000	15,000,000
266	36201C0	REWRITE ACCOUNTING APPLICATIONS TO .NET Provides funding for contract staff to assist in converting the accounting applications currently utilized by the department from FoxPro to .NET. The conversion process includes rewriting the automated accounting applications submitted to FLAIR and providing the capability for continued application support.		-	-	221,500	221,500		-	-	-	-		-	-	-	-
267	990A000	OFFICE SPACE															-

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE PROPOSAL				
A LINE #	B D3A Issue	C D3A Issue Title	D FTE	E RECURRING GENERAL REVENUE	F NON-RECURRING GENERAL REVENUE	G TOTAL TRUST FUNDS	H TOTAL ALL FUNDS	I FTE	J RECURRING GENERAL REVENUE	K NON-RECURRING GENERAL REVENUE	L TOTAL TRUST FUNDS	M TOTAL ALL FUNDS	N FTE	O RECURRING GENERAL REVENUE	P NON-RECURRING GENERAL REVENUE	Q TOTAL TRUST FUNDS	R TOTAL ALL FUNDS
268	083643	MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE Provides funding to renovate the Florida Highway Patrol Facility in Venice, Florida. This is a state owned facility constructed in 1976 and initially designed to accommodate Driver License and FHP personnel. This facility is currently a stand alone FHP building and the department is requesting budget authority for safety modifications more conducive to law enforcement operations Other general maintenance includes items such as painting, floor repairs, plumbing, and heating and cooling system repairs. roofing, HVAC, ADA site assessments, and paving.				538,600	538,600		-	-	-	-		-	-	538,600	538,600
269	990M000	MAINTENANCE AND REPAIR															-
270	080016	SPECIAL PROJECTS AND IMPROVEMENTS - ADMINISTRATIVE SERVICES Provides funding for FY 2013-14 for general repairs, upgrades and improvements to the Neil Kirkman Building located in Tallahassee as part of the Department's Five Year Capital Improvement Plan. Funding is requested for renovations to B & C Wings of the Building which include plumbing, building code/life safety repairs, electrical, energy conservation, interior maintenance and other miscellaneous improvements.				5,491,796	5,491,796				3,198,321	3,198,321		-	-	3,198,321	3,198,321
271	83643	MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE Provides funding for maintenance and repairs to state-owned facilities as part of the Department's Five Year Capital Improvement Plan. This funding would provide $790K for Florida Highway Patrol facilities and $665K for Motorist Services Field Offices. Repairs and maintenance activities include ADA Site Assessment Surveys, Roofing, HVAC Repairs, Mold Mildew and Asbestos Removal, ADA Restrooms, Safety and Security Issues, Renovation Planning & Design, Generators, and Engineering and Construction Services.				1,455,436	1,455,436				607,556	607,556		-	-	1,190,556	1,190,556
272	**HIGHWAY SAFETY & MOTOR VEHICLES, DEPARTMENT OF Total**		**4,465.50**	**-**	**-**	**437,143,401**	**437,143,401**	**4,427.00**	**-**	**-**	**423,776,920**	**423,776,920**	**4,422.00**	**-**	**-**	**423,962,601**	**423,962,601**
273																	
274	**TOTALS FOR ALL TED AGENCIES**		**13,851.50**	**69,322,976**	**86,886,111**	**11,238,857,664**	**11,394,916,751**	**13,760.00**	**145,265,733**	**273,673,824**	**10,688,002,412**	**11,106,941,969**	**13,805.00**	**73,553,982**	**66,620,399**	**10,996,544,393**	**11,136,718,774**
275	*Over(Under) Base Budget Totals*		*-161.00*	*2,783,591*	*86,886,111*	*9,182,798,088*	*9,272,317,790*	*-252.50*	*78,726,348*	*273,673,824*	*8,631,942,836*	*8,984,343,008*	*-207.50*	*7,014,597*	*66,620,399*	*8,940,484,817*	*9,014,119,813*

DEPARTMENT PAGE

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

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SECTION 6 - GENERAL GOVERNMENT

ECONOMIC OPPORTUNITY, DEPARTMENT OF 4

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The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

05	00000000	000000	0000	S01
05	00000000	000000	0000	S01
05	00000000	000000	0000	S01
05	00000000	000000	0000	S01
05	00000000	000000	0000	S01
05	00000000	000000	0000	S01

TRANSPORTATION, DEPARTMENT OF

05	55000000	000000	0000	

Funds in Specific Appropriations 1835A through 1849, 1856 through 1859, 1871, 1874 through 1877, 1878 through 1882, 1884 through 1893 and 1933 through 1944, are provided from the named funds to the department to fund the five year Work Program developed pursuant to provisions of section 339.135, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

05	55000000	000000	5000	S01
05	55000000	000000	5000	S01
05	55000000	000000	5000	S01
05	55000000	000000	5000	S01
05	55000000	000000	5000	S01
05	55000000	000000	5000	S01

TRANSPORTATION SYSTEMS DEVELOPMENT

05	55100000	000000	0000	

PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT

05	55100100	000000	0000	

1827A AID TO LOCAL GOVERNMENTS
TRANSFER TO TAMPA AREA BAY REGIONAL
TRANSPORTATION AUTHORITY

05	55100100	050000	0000		1827A
05	55100100	054525	0000		1827A
05	55100100	054525	0000		1827A

The non-recurring funds in Specific Appropriation 1827A, are provided to the Tampa Bay Regional Transportation Authority in order to provide a financial analysis of the costs savings to be achieved from the consolidation of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority pursuant to the provisions of ch. 2012-174, Laws of Florida.

05	55100100	054525	5000	S01	1827A
05	55100100	054525	5000	S01	1827A
05	55100100	054525	5000	S01	1827A
05	55100100	054525	5000	S01	1827A
05	55100100	054525	5000	S01	1827A
05	55100100	054525	5000	S01	1827A

1830 SPECIAL CATEGORIES
CONTRACTED SERVICES

05	55100100	100000	0000	1830
05	55100100	100777	0000	1830

From the funds in Specific Appropriation 1830, in order to quantify the true unmet demand for services to support those individuals who are transportation disadvantaged, $200,000 in non-recurring funds from the Transportation Disadvantaged Trust Fund is provided to conduct a study to define the unmet and latent travel demand and mobility needs for the Florida disadvantaged population who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation. The study shall compare current assessments and future forecasts of transportation disadvantaged mobility needs to existing service capacity at both the county and statewide level. The study shall also include the review of existing requirements for background screening of direct service transit providers to determine whether adequate screening exists, and shall determine the costs of additional screening requirements.

05	55100100	100777	5000	S01	1830
05	55100100	100777	5000	S01	1830
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The Commission shall report the findings to the chair of the Senate

Appropriations Subcommittee on Transportation, Tourism and Economic Development, and the chair of the House Transportation and Economic Development Appropriations Subcommittee, and shall include a methodology to incorporate the unmet need as a part of the funding allocation formula.

1835A FIXED CAPITAL OUTLAY
MULTI-USE TRAIL SYSTEM

The funds in Specific Appropriation 1835A are provided for costs of land acquisition, design, and construction of "The Coast to Coast Connector" a multi-use trail, intended to provide a system of interconnected trails traversing from St. Petersburg to Titusville, Florida. The Department of Transportation shall fund the projects identified by the Florida Greenways and Trails Council needed to complete and close the gaps between existing trails, including the Starkey Gap, Goodneighbor Gap, Van Fleet Gap, Orange Gap, Seminole Gap, East Central Gap and the Space Coast Gap.

1845 FIXED CAPITAL OUTLAY
INTERMODAL DEVELOPMENT/GRANTS

From the funds in Specific Appropriation 1845, $500,000 in non-recurring funds is provided for the St. Johns River Ferry Commission for needed ferry boat repairs.

1846 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS

From the funds in Specific Appropriation 1846, $800,000 is provided for preliminary engineering and design of the Pine Hills Pedestrian Bridge, spanning State Road 438 (Silver Star Road).

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

1879 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS

From the funds in Specific Appropriation 1879, an amount not less than $8,440,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

From the funds in Specific Appropriation 1879, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all

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05	55100100	100777	5000	S01	1830
05	55100100	100777	5000	S01	1830
05	55100100	080000	0000		1835A
05	55100100	088577	0000		1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	088577	5000	S01	1835A
05	55100100	080000	0000		1845
05	55100100	088809	0000		1845
05	55100100	088809	5000	S01	1845
05	55100100	088809	5000	S01	1845
05	55100100	088809	5000	S01	1845
05	55100100	080000	0000		1846
05	55100100	088849	0000		1846
05	55100100	088849	5000	S01	1846
05	55100100	088849	5000	S01	1846
05	55100100	088849	5000	S01	1846
05	55150000	000000	0000		
05	55150200	000000	0000		
05	55150200	080000	0000		1879
05	55150200	088712	0000		1879
05	55150200	088712	0000		1879
05	55150200	088712	5000	S01	1879
05	55150200	088712	5000	S01	1879
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05	55150200	088712	5000	S01	1879
05	55150200	088712	5000	S01	1879
05	55150200	088712	5000	S01	1879

participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of $2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

FLORIDA'S TURNPIKE SYSTEMS

FLORIDA'S TURNPIKE ENTERPRISE

1933 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS

From the funds in Specific Appropriation 1933, an amount not less than $2,560,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

From the funds in Specific Appropriation 1933, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of $2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

05	55150200	088712	5000	S01	1879
05	55150200	088712	5000	S01	1879
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05	55150200	088712	5000	S01	1879
05	55150200	088712	5000	S01	1879
05	55150200	088712	5000	S01	1879
05	55180000	000000	0000		
05	55180100	000000	0000		
05	55180100	080000	0000		1933
05	55180100	088712	0000		1933
05	55180100	088712	0000		1933
05	55180100	088712	5000	S01	1933
05	55180100	088712	5000	S01	1933
05	55180100	088712	5000	S01	1933
05	55180100	088712	5000	S01	1933
05	55180100	088712	5000	S01	1933
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05	55180100	088712	5000	S01	1933

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Business and Professional Regulation, Department of Citrus, Department of Economic Opportunity, Department of Financial Services, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue, and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

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ECONOMIC OPPORTUNITY, DEPARTMENT OF

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From the funds in Specific Appropriations 2131 through 2233, any expenditure from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Families, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

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The department head or a designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

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From the funds in Specific Appropriations 2131 through 2233, no federal or state funds shall be used to pay for space being leased by a Regional Workforce Board, Workforce Florida, Inc., or the Department of Economic Opportunity if it has been determined by whichever entity is the lessee that there is no longer a need for the leased space. All leases, and performance and obligations under the leases, are subject to and contingent upon an annual appropriation by the Florida Legislature. In the event that such annual appropriation does not occur, or in the alternative, there is either a reduction in funding from the prior annual appropriation or the entity which is the lessee determines that the annual appropriation is insufficient to meet the requirements of the leases, then the lessee has the right to terminate the lease upon written notice by the lessee and the lessee shall have no further obligations under the contracts.

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PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

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FINANCE AND ADMINISTRATION

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Four positions and $375,370 from the Administrative Trust Fund in

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Specific Appropriation 2140 (Salaries and Benefits - $334,062), Specific	06	40100200	000000	5000	S01
Appropriation 2142 (Expenses - $39,892), and Specific Appropriation 2146	06	40100200	000000	5000	S01
(Human Resources Services - $1,416) are provided to enhance financial	06	40100200	000000	5000	S01
monitoring and oversight of Regional Workforce Boards. The Department	06	40100200	000000	5000	S01
of Economic Opportunity shall provide a report on February 1, 2014, to	06	40100200	000000	5000	S01
the chair of the Senate Appropriations Committee and the chair of the	06	40100200	000000	5000	S01
House Appropriations Committee describing the specific work activities	06	40100200	000000	5000	S01
assigned to these positions and the outcomes of the enhanced oversight.	06	40100200	000000	5000	S01
PROGRAM: WORKFORCE SERVICES	06	40200000	000000	0000	
WORKFORCE DEVELOPMENT	06	40200100	000000	0000	
From the funds in Specific Appropriations 2157 through 2186, the	06	40200100	000000	5000	S01
Department of Economic Opportunity shall determine if any funds provided	06	40200100	000000	5000	S01
for specific workforce programs, projects or initiatives are not an	06	40200100	000000	5000	S01
allowable use of federal funds. If the department finds that any project	06	40200100	000000	5000	S01
or initiative for which funds are specifically appropriated in this act	06	40200100	000000	5000	S01
is not an allowable use of federal funds, the department shall notify	06	40200100	000000	5000	S01
the Governor's Office of Policy and Budget, the chair of the Senate	06	40200100	000000	5000	S01
Appropriations Committee, and the chair of the House Appropriations	06	40200100	000000	5000	S01
Committee.	06	40200100	000000	5000	S01
	06	40200100	000000	5000	S01
2160A SPECIAL CATEGORIES	06	40200100	100000	0000	2160A
GRANTS AND AIDS - WORKFORCE PROJECTS	06	40200100	100274	0000	2160A
Nonrecurring General Revenue funds provided in Specific Appropriation	06	40200100	100274	5000	S01 2160A
2160A are allocated to the Florida Goodwill Association.	06	40200100	100274	5000	S01 2160A
	06	40200100	100274	5000	S01 2160A
2161 SPECIAL CATEGORIES	06	40200100	100000	0000	2161
NON CUSTODIAL PARENT PROGRAM	06	40200100	100564	0000	2161
From the funds provided in Specific Appropriation 2161, $750,000 from	06	40200100	100564	5000	S01 2161
the Welfare Transition Trust Fund is provided for the Non-Custodial	06	40200100	100564	5000	S01 2161
Parent Program in Pinellas, Pasco, and Hillsborough counties. The	06	40200100	100564	5000	S01 2161
Pinellas Workforce Board (WorkNet) shall administer the funds, which	06	40200100	100564	5000	S01 2161
shall be maintained as a single project for the three counties.	06	40200100	100564	5000	S01 2161
	06	40200100	100564	5000	S01 2161
From the funds provided in Specific Appropriation 2161, $666,000 from	06	40200100	100564	5000	S01 2161
the Welfare Transition Trust Fund is provided to continue Gulf Coast	06	40200100	100564	5000	S01 2161
Community Care's current Non-Custodial Parent Program in Miami-Dade	06	40200100	100564	5000	S01 2161
County, which shall be administered by the South Florida Workforce	06	40200100	100564	5000	S01 2161
Board.	06	40200100	100564	5000	S01 2161
2162 SPECIAL CATEGORIES	06	40200100	100000	0000	2162
GRANTS AND AIDS - CONTRACTED SERVICES	06	40200100	100778	0000	2162
General Revenue funds provided in Specific Appropriation 2162 are	06	40200100	100778	5000	S01 2162
provided for the purpose of implementing the provisions of section	06	40200100	100778	5000	S01 2162

445.07, Florida Statutes, including any related administrative costs.

From the funds in Specific Appropriation 2162, $750,000 from the Employment Security Administration Trust Fund is allocated to the Home Builders Institute's Pre-Apprenticeship Certificate Training (PACT) program. Funds shall be used to provide veterans with career training, vocational training and job placement services in the home building industry.

2163 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL WORKFORCE BOARDS

Funds provided in Specific Appropriation 2163 from the Welfare Transition Trust Fund shall be allocated for workforce services based on a plan approved by Workforce Florida, Inc. The plan shall maximize funds distributed directly to the regional workforce boards, and shall identify any funds allocated for state-level and discretionary initiatives. The plan must equitably distribute funds to the boards based on anticipated client caseload to maximize the ability of the state to meet performance standards, including federal work participation rate requirements, and prioritize services provided to one-parent families. Copies of the proposed allocation shall be provided to the Governor's Office of Policy and Budget, the chair of the Senate Appropriations Committee, and the chair of the House Appropriations Committee.

From the funds provided in Specific Appropriation 2163, any expenditures by regional workforce boards for "outreach," "advertising," or "public relations" must have a direct program benefit and must be spent in strict accordance with all applicable federal regulations and guidance. Costs of promotional items, including but not limited to capes, blankets, clothing, and memorabilia, including models, gifts, and souvenirs, which exceed $5,000 for outreach purposes must be approved prior to purchase by the Department of Economic Opportunity.

No funds in Specific Appropriation 2163 may be used directly or indirectly to pay for meals, food, or beverages for board members, staff, or employees of regional workforce boards, Workforce Florida, Inc., or the Department of Economic Opportunity except as expressly authorized by state law. Preapproved, reasonable, and necessary per diem allowances and travel established in section 112.061, Florida Statutes, and shall be in compliance with all applicable federal and state requirements. No funds in Specific Appropriation 2163 may be used for entertainment costs and recreational activities for board members and employees as these terms are defined in 2 C.F.R. part 230.

No funds in Specific Appropriation 2163 may be used for any contract exceeding $25,000 between a regional workforce board and a member of that board that has any relationship with the contracting vendor, unless

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06	40200100	100778	5000	S01	2162
06	40200100	100778	5000	S01	2162
06	40200100	100778	5000	S01	2162
06	40200100	100778	5000	S01	2162
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06	40200100	100778	5000	S01	2162
06	40200100	100778	5000	S01	2162
06	40200100	100000	0000		2163
06	40200100	100780	0000		2163
06	40200100	100780	0000		2163
06	40200100	100780	5000	S01	2163
06	40200100	100780	5000	S01	2163
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06	40200100	100780	5000	S01	2163
06	40200100	100780	5000	S01	2163
06	40200100	100780	5000	S01	2163

the contract has been reviewed by the Department of Economic Opportunity and Workforce Florida, Inc.

PROGRAM: COMMUNITY DEVELOPMENT

COMMUNITY PLANNING

2194 SPECIAL CATEGORIES
GRANTS AND AIDS - ECONOMIC DEVELOPMENT PROGRAMS

Pursuant to the provisions of section 498 of chapter 2011-142, Laws of Florida, the Department of Economic Opportunity shall use the funds provided in Specific Appropriation 2194 to execute a contract with the Office of Economic Development and Engagement within the University of West Florida for the charitable purpose of developing and implementing an innovative economic development program for promoting research and development, commercialization of research, economic diversification, and job creation in a Disproportionally Affected County.

2194A SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS

Funds in Specific Appropriation 2194A are provided to the Regional Planning Councils, 75 percent of which must be divided equally among the councils, and 25 percent of which must be allocated according to population. The funds shall be used to implement the Florida Five-Year Strategic Plan for Economic Development, address problems of greater than local concern, and provide technical assistance to local governments, economic development organizations, and other stakeholders.

PROGRAM: STRATEGIC BUSINESS DEVELOPMENT

STRATEGIC BUSINESS DEVELOPMENT

From the funds provided in Specific Appropriations 2215 through 2233, the Department of Economic Opportunity must competitively procure and execute a contract for an independent third-party to verify that each business that receives an economic development incentive satisfies all of the requirements of the incentive agreement, including job creation numbers. These comprehensive performance audit functions shall include reviewing: 100 percent of all incentive claims, including audit confirmations; procedures used to verify incentive eligibility; and the department's records for accuracy and completeness. The independent third-party contractor shall perform all functions and conduct all of the activities necessary to verify compliance with the performance terms

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06	40200100	100780	5000	S01	2163
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06	40300100	000000	0000		
06	40300100	100000	0000		2194
06	40300100	102241	0000		2194
06	40300100	102241	0000		2194
06	40300100	102241	5000	S01	2194
06	40300100	102241	5000	S01	2194
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06	40300100	102241	5000	S01	2194
06	40300100	102241	5000	S01	2194
06	40300100	100000	0000		2194A
06	40300100	103056	0000		2194A
06	40300100	103056	0000		2194A
06	40300100	103056	5000	S01	2194A
06	40300100	103056	5000	S01	2194A
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06	40400100	000000	5000	S01	

of economic development incentive contracts. If there is insufficient operating budget authority in Specific Appropriation 2224, the department shall submit a budget amendment in accordance with chapter 216, Florida Statutes, to transfer funds provided in Specific Appropriation 2220 to that appropriation category to implement the comprehensive performance audits.

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06	40400100	000000	5000	S01	
06	40400100	000000	5000	S01	
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06	40400100	000000	5000	S01	

2220 LUMP SUM
ECONOMIC DEVELOPMENT TOOLS

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06	40400100	098019	0000		2220

Funds provided in Specific Appropriation 2220 are provided for the Qualified Target Industry (QTI) Tax Refund, Qualified Defense Contractor and Space Flight Business Tax Refund, QTI Tax Refund - Brownfield Redevelopment Bonus, Brownfield Redevelopment Grants, Quick Action Closing Fund, and Innovation Incentive programs, and only for projects that meet the eligibility requirements of law. Funds shall only be disbursed when projects meet the contracted performance requirements. Funds provided in Specific Appropriation 2220 from the Economic Development Trust Fund represent local matching funds.

Funds provided in Specific Appropriation 2220 from the State Economic Enhancement and Development (SEED) Trust Fund may be allocated, as necessary, to cover the costs of the contract with an independent third-party to conduct comprehensive performance audits for all economic development incentive agreements.

Funds provided in Specific Appropriation 2220 from the SEED Trust Fund may be used to provide early stage venture capital funds to be allocated by the Institute for the Commercialization of Public Research contingent upon Senate Bill 546 or similar legislation becoming law.

Funds provided in Specific Appropriation 2220 shall not be allocated and released for any purpose not specified in this act.

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06	40400100	098019	5000	S01	2220
06	40400100	098019	5000	S01	2220
06	40400100	098019	5000	S01	2220

2221 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTITUTE FOR THE
COMMERCIALIZATION OF PUBLIC RESEARCH

06	40400100	100000	0000		2221
06	40400100	100253	0000		2221
06	40400100	100253	0000		2221

From the funds in Specific Appropriation 2221, $1,000,000 of nonrecurring General Revenue funds is contingent upon Senate Bill 546, or similar legislation, becoming law.

06	40400100	100253	5000	S01	2221
06	40400100	100253	5000	S01	2221
06	40400100	100253	5000	S01	2221

2223 SPECIAL CATEGORIES
GRANTS AND AIDS - ADVOCATING INTERNATIONAL
RELATIONSHIPS

06	40400100	100000	0000		2223
06	40400100	100454	0000		2223
06	40400100	100454	0000		2223

Nonrecurring General Revenue funds provided in Specific Appropriation 2223 are provided for the CAMACOL - Florida Trade and Exhibition

06	40400100	100454	5000	S01	2223
06	40400100	100454	5000	S01	2223

Center.

06	40400100	100454	5000	S01	2223
06	40400100	100454	5000	S01	2223

2223A SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT PROJECTS

06	40400100	100000	0000		2223A
06	40400100	100562	0000		2223A

From the nonrecurring General Revenue funds provided in Specific Appropriation 2223A, $2,500,000 is provided for the Rowing Center in Sarasota County.

From the nonrecurring General Revenue funds provided in Specific Appropriation 2223A, $1,000,000 is provided to the City of Miami for public infrastructure improvements within the Miami Design District located in the Enterprise Zone. The state contribution shall be contingent upon the provision of a fifty percent match from the City of Miami and/or Miami-Dade County in either the form of a cash contribution or capital project to benefit the area.

From the nonrecurring General Revenue funds provided in Specific Appropriation 2223A, $1,800,000 is provided to Walton County for the Mossy Head Industrial Park Infrastructure project.

06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A
06	40400100	100562	5000	S01	2223A

2225 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA
PROGRAM

06	40400100	100000	0000		2225
06	40400100	102003	0000		2225
06	40400100	102003	0000		2225

From the funds in Specific Appropriation 2225, $4,900,000 from the International Trade and Promotion Trust Fund is provided for international programs.

From the funds in Specific Appropriation 2225, $1,500,000 of nonrecurring General Revenue is provided to establish and market Enterprise Florida's statewide business brand for Florida.

From the recurring funds provided in Specific Appropriation 2225 from the State Economic Enhancement and Development (SEED) Trust Fund, $150,000 is provided to maintain an international office in Japan, $100,000 is provided to establish and maintain an international office in Tel Aviv, Israel, and $200,000 is provided for the Southeast U.S./Japan Association and Florida/Korea Economic Cooperation Committee.

06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225
06	40400100	102003	5000	S01	2225

2225A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA MANUFACTURING
EXTENSION PARTNERSHIP (FMEP)

06	40400100	100000	0000		2225A
06	40400100	102007	0000		2225A
06	40400100	102007	0000		2225A

From the funds provided in Specific Appropriation 2225A from the State Economic Enhancement and Development Trust Fund, $500,000 is provided to the Florida Manufacturing Extension Partnership for the purpose of leveraging federal and private resources for the support and delivery of

06	40400100	102007	5000	S01	2225A
06	40400100	102007	5000	S01	2225A
06	40400100	102007	5000	S01	2225A
06	40400100	102007	5000	S01	2225A

services to the manufacturing community, which will provide economic stimulus through job creation and retention and assist Florida manufacturers to become more efficient and globally competitive.

2226 SPECIAL CATEGORIES
GRANTS AND AIDS - MILITARY BASE PROTECTION

Funds in Specific Appropriation 2226 shall be allocated as follows:

Military Base Protection.....	150,000
Defense Reinvestment.....	850,000

2228 SPECIAL CATEGORIES
GRANTS AND AIDS - VISIT FLORIDA

From the funds provided in Specific Appropriation 2228, $1,500,000 of nonrecurring State Economic Enhancement and Development (SEED) trust funds shall be transferred to Space Florida to market and promote the space tourism industry in Florida's Space Coast Region. By November 30, 2014, Space Florida must submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Executive Director of the Department of Economic Opportunity that details the expenditures and accomplishments of Space Florida during Fiscal Year 2013-2014, including: methods, strategies, and messages used; total expenditures; overview of results, including consumer reach, of the executed marketing initiatives; and the total impact, financial and otherwise, to the space tourism industry. Space Florida may use these funds to support marketing and promotion initiatives undertaken by businesses engaged in, or relating to, the space tourism industry in Florida's Space Coast Region, including, but not limited to, spaceflight entities, as defined in section 331.501, Florida Statutes, and entities related to launch and landing sites or facilities.

2230 SPECIAL CATEGORIES
GRANTS AND AIDS - SPACE FLORIDA

From the Funds in Specific Appropriation 2230, $1,000,000 of recurring State Economic Enhancement and Development (SEED) Trust Funds is provided to support collaborative research, development, and commercialization of projects related to aerospace and other technology and life sciences as further described through a Memorandum of Understanding (MOU) which Space Florida is authorized to enter into with the Ministry of Industry, Trade and Labor of the State of Israel.

06	40400100	102007	5000	S01	2225A
06	40400100	102007	5000	S01	2225A
06	40400100	102007	5000	S01	2225A
06	40400100	102007	5000	S01	2225A
06	40400100	100000	0000		2226
06	40400100	102026	0000		2226
06	40400100	102026	5000	S01	2226
06	40400100	102026	5000	S01	2226
06	40400100	102026	5000	S01	2226
06	40400100	102026	5000	S01	2226
06	40400100	102026	5000	S01	2226
06	40400100	100000	0000		2228
06	40400100	105705	0000		2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	105705	5000	S01	2228
06	40400100	100000	0000		2230
06	40400100	108445	0000		2230
06	40400100	108445	5000	S01	2230
06	40400100	108445	5000	S01	2230
06	40400100	108445	5000	S01	2230
06	40400100	108445	5000	S01	2230
06	40400100	108445	5000	S01	2230
06	40400100	108445	5000	S01	2230
06	40400100	108445	5000	S01	2230

GOVERNOR, EXECUTIVE OFFICE OF THE 06 31000000 000000 0000

PROGRAM: EMERGENCY MANAGEMENT 06 31700000 000000 0000

EMERGENCY PREVENTION, PREPAREDNESS AND RESPONSE 06 31700100 000000 0000

The Division of Emergency Management shall submit quarterly status reports on the outstanding obligations for each open federally declared disaster event to the Executive Office of the Governor and to the chairs of the Senate and House of Representatives appropriations committees.

06 31700100 000000 5000 S01
06 31700100 000000 5000 S01
06 31700100 000000 5000 S01
06 31700100 000000 5000 S01
06 31700100 000000 5000 S01

2546 SPECIAL CATEGORIES 06 31700100 100000 0000 2546
GRANTS AND AIDS - STATE AND FEDERAL 06 31700100 103534 0000 2546
DISASTER RELIEF OPERATIONS - 06 31700100 103534 0000 2546
ADMINISTRATIVE 06 31700100 103534 0000 2546

From the funds provided in Specific Appropriation 2546, $250,000 is provided to contract with a not-for-profit corporation to conduct a statewide public education campaign on television and radio to promote hurricane preparedness. State funds must be matched on a 3 to 1 basis for this purpose.

06 31700100 103534 5000 S01 2546
06 31700100 103534 5000 S01 2546
06 31700100 103534 5000 S01 2546
06 31700100 103534 5000 S01 2546
06 31700100 103534 5000 S01 2546
06 31700100 103534 5000 S01 2546

2550 SPECIAL CATEGORIES 06 31700100 100000 0000 2550
GRANTS AND AIDS - HURRICANE LOSS 06 31700100 105860 0000 2550
MITIGATION 06 31700100 105860 0000 2550

Grants and Donations Trust Funds in the following Specific Appropriations reflect the transfer of $7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7), Florida Statutes: Specific Appropriation 2525 (Salaries and Benefits) in the amount of $51,351; Specific Appropriation 2527 (Expenses) in the amount of $40,580; Specific Appropriation 2529 (Operating Capital Outlay) in the amount of $1,000; Specific Appropriation 2532 (Contracted Services) in the amount of $2,055; Specific Appropriation 2545 (Risk Management Insurance) in the amount of $689; Specific Appropriation 2552 (Transfer to Department of Management Services - Human Resources Services) in the amount of $281; Specific Appropriation 2570 (Data Processing Services - Transfer to Southwood Shared Resource Center) in the amount of $1,142; and Specific Appropriation 2550 in the amount of $6,892,389, which includes indirect costs of $10,513. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in section 215.559, Florida Statutes. The funds allocated in section 215.559(2)(a), Florida Statutes, shall be distributed directly to Tallahassee Community College for the uses set forth in section 215.559(2)(b), Florida Statutes.

06 31700100 105860 5000 S01 2550
06 31700100 105860 5000 S01 2550
06 31700100 105860 5000 S01 2550
06 31700100 105860 5000 S01 2550
06 31700100 105860 5000 S01 2550
06 31700100 105860 5000 S01 2550
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06 31700100 105860 5000 S01 2550
06 31700100 105860 5000 S01 2550
06 31700100 105860 5000 S01 2550

2571 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EMERGENCY MANAGEMENT CRITICAL FACILITY NEEDS

06 31700100 140000 0000 2571
06 31700100 140000 0000 2571
06 31700100 140527 0000 2571
06 31700100 140527 0000 2571

Funds in Specific Appropriation 2571 from the Grants and Donations Trust Fund reflect the transfer of $3,000,000 of mitigation funds from the Hurricane Catastrophe Fund pursuant to section 215.555(7)(c), Florida Statutes. These funds shall be used to retrofit existing facilities used as public hurricane shelters as specified in section 215.559(1)(b), Florida Statutes.

06 31700100 140527 5000 S01 2571
06 31700100 140527 5000 S01 2571
06 31700100 140527 5000 S01 2571
06 31700100 140527 5000 S01 2571
06 31700100 140527 5000 S01 2571
06 31700100 140527 5000 S01 2571
06 31700100 140527 5000 S01 2571

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

06 76000000 000000 0000

PROGRAM: FLORIDA HIGHWAY PATROL

06 76100000 000000 0000

HIGHWAY SAFETY

06 76100100 000000 0000

2583 SALARIES AND BENEFITS

06 76100100 010000 0000 2583

No funds are provided in Specific Appropriation 2583 for the payment of overtime expenditures related to the duties of the Florida Highway Patrol. However, in the event of a declared state of emergency, the department may utilize available funds to deploy law enforcement officers for the payment of overtime as needed.

06 76100100 010000 5000 S01 2583
06 76100100 010000 5000 S01 2583
06 76100100 010000 5000 S01 2583
06 76100100 010000 5000 S01 2583
06 76100100 010000 5000 S01 2583

2584 OTHER PERSONAL SERVICES

06 76100100 030000 0000 2584

From the funds in Specific Appropriation 2584, $7,084,982 is provided for Florida Highway Patrol Hireback Services for overtime employment administered by the State. It is the intent of the legislature that the department make a reasonable effort to equalize the distribution of overtime within the Law Enforcement Officer Class.

06 76100100 030000 5000 S01 2584
06 76100100 030000 5000 S01 2584
06 76100100 030000 5000 S01 2584
06 76100100 030000 5000 S01 2584
06 76100100 030000 5000 S01 2584

2592 SPECIAL CATEGORIES
OVERTIME

06 76100100 100000 0000 2592
06 76100100 102331 0000 2592

From the funds in Specific Appropriation 2592, $5,125,000 is provided for the State Overtime Action Response (SOAR) Program and $3,100,000 is provided for payment of incidental overtime for the Florida Highway Patrol.

06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592

Funds for SOAR overtime activities are provided for Florida Highway Patrol included class members (Sergeants, Corporals, and Troopers) who may be authorized to work up to 8 hours per week until the appropriation is consumed. The SOAR program shall focus on traffic safety enforcement, including but not limited to violation enforcement, rendering assistance, crash investigation and DUI enforcement activities. Florida Highway Patrol Officers with a rank of Lieutenant or above are excluded

06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592
06 76100100 102331 5000 S01 2592

from participation in the SOAR overtime program. The SOAR overtime limitations set forth herein do not apply during a declared state of emergency.

PROGRAM: MOTORIST SERVICES

MOTORIST SERVICES

No funds are provided in Specific Appropriation 2625 through 2635 for Fiscal Year 2013-14 with regards to existing contracts, leases or other contractual obligations, with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the closure of the Gainesville (D10) and Sebring (M08) Driver License offices are complete.

No funds are provided in Specific Appropriation 2625 through 2635 for Fiscal Year 2013-14 to make payments for the use of property after October 31, 2013, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the closure of the Clermont (G04) Driver License office.

No funds are provided in Specific Appropriation 2625 through 2635 for Fiscal Year 2013-14 to make payments for the use of property after December 6, 2013, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the closure of the Winter Springs (G06) Driver License office.

No funds are provided in Specific Appropriation 2625 through 2633 for Fiscal Year 2013-14 to make payments for the use of property after January 11, 2014, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the closure of the Okeechobee (H07) Driver License office.

No funds are provided in Specific Appropriation 2625 through 2633 for Fiscal Year 2013-14 to make payments for the use of property after January 31, 2014, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the closure of the Haines City (L04) Driver License office.

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

FEDERAL/STATE COOPERATIVE AGREEMENTS

2939 SPECIAL CATEGORIES
CONTRACTED SERVICES

06	76100100	102331	5000	S01	2592
06	76100100	102331	5000	S01	2592
06	76100100	102331	5000	S01	2592
06	76210000	000000	0000		
06	76210100	000000	0000		
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	76210100	000000	5000	S01	
06	62000000	000000	0000		
06	62050000	000000	0000		
06	62050500	000000	0000		
06	62050500	100000	0000		2939
06	62050500	100777	0000		2939

From the funds in Specific Appropriation 2939, $1,250,000 of nonrecurring general revenue funds is provided for the Forward March Program, and $750,000 of nonrecurring general revenue funds is provided for the About Face Program.

STATE, DEPARTMENT OF

PROGRAM: ELECTIONS

ELECTIONS

3106 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ELECTION ACTIVITIES (HELP AMERICA VOTE ACT)

Funds in Specific Appropriation 3106 shall be distributed to county supervisors of elections to be used for election administration activities such as voter education; pollworker training; standardizing elections results reporting; or other federal election administrative activities as approved by the Department of State.

County supervisors of elections will receive funds only after providing the Department of State a detailed description of the programs that will be implemented. Funds distributed to county supervisors of elections require a certification from the county that matching funds will be provided in an amount equal to fifteen percent of the amount to be received from the state.

To be eligible, a county must segregate federal funds and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Funds shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended. Supervisors of elections shall report to the Department of State any unspent funds remaining on June 30 of each fiscal year.

PROGRAM: HISTORICAL RESOURCES

HISTORICAL RESOURCES PRESERVATION AND EXHIBITION

3116 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC PRESERVATION GRANTS

From the funds in General Revenue Fund in Specific Appropriation 3116, shall be allocated as follows:

Golden Gate Building Interior Renovations, Martin County.... 200,000
Calhoun County Historic Courthouse Renovation and Repairs... 649,000

06	62050500	100777	5000	S01	2939
06	62050500	100777	5000	S01	2939
06	62050500	100777	5000	S01	2939
06	62050500	100777	5000	S01	2939
06	45000000	000000	0000		
06	45100000	000000	0000		
06	45100200	000000	0000		
06	45100200	100000	0000		3106
06	45100200	107015	0000		3106
06	45100200	107015	0000		3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45100200	107015	5000	S01	3106
06	45200000	000000	0000		
06	45200700	000000	0000		
06	45200700	100000	0000		3116
06	45200700	101548	0000		3116
06	45200700	101548	0000		3116
06	45200700	101548	5000	S01	3116
06	45200700	101548	5000	S01	3116
06	45200700	101548	5000	S01	3116
06	45200700	101548	5000	S01	3116
06	45200700	101548	5000	S01	3116

City of Port St. Joe, Historic Cape San Blas Lighthouse		06	45200700	101548	5000	S01	3116
Complex Rescue and Relocation Project.....	325,000	06	45200700	101548	5000	S01	3116
Ximenez-Fatio House Museum Restoration, St. Johns County....	300,000	06	45200700	101548	5000	S01	3116
St. Augustine Historical Documentary Film.....	500,000	06	45200700	101548	5000	S01	3116
Government House Phase II Renovations, City of St. Augustine	1,000,000	06	45200700	101548	5000	S01	3116
Alcazar Hotel/Lightner Museum Restoration, City of St.		06	45200700	101548	5000	S01	3116
Augustine.....	750,000	06	45200700	101548	5000	S01	3116
Chinesgut Hill Historic Plantation - The Manor House		06	45200700	101548	5000	S01	3116
Restoration.....	250,000	06	45200700	101548	5000	S01	3116
Restoration of Capital Theatre - City of St. Petersburg.....	750,000	06	45200700	101548	5000	S01	3116
Historic Properties - 40 St. George Street - St. Augustine..	750,000	06	45200700	101548	5000	S01	3116
Historic Preservation Small Matching Grants - Statewide.....	1,398,773	06	45200700	101548	5000	S01	3116
3121 FIXED CAPITAL OUTLAY		06	45200700	080000	0000		3121
THE GROVE - REPAIR/MAINTENANCE/ADA		06	45200700	080902	0000		3121
COMPLIANCE - DMS MGD		06	45200700	080902	0000		3121
The funds in Specific Appropriation 3121, are for the continued repair		06	45200700	080902	5000	S01	3121
and rehabilitation of the Grove Historic Property. This funding is in		06	45200700	080902	5000	S01	3121
addition to any other appropriations in this Act for Phase II		06	45200700	080902	5000	S01	3121
renovations of the Grove property.		06	45200700	080902	5000	S01	3121
PROGRAM: CULTURAL AFFAIRS		06	45500000	000000	0000		
CULTURAL AFFAIRS		06	45500300	000000	0000		
3147A AID TO LOCAL GOVERNMENTS		06	45500300	050000	0000		3147A
GRANTS AND AIDS - CULTURAL GRANTS		06	45500300	050099	0000		3147A
From the funds in Specific Appropriation 3147A, nonrecurring funds are		06	45500300	050099	5000	S01	3147A
provided for the Actor's Playhouse Performing Arts Program in the City		06	45500300	050099	5000	S01	3147A
of Coral Gables.		06	45500300	050099	5000	S01	3147A
3149B SPECIAL CATEGORIES		06	45500300	100000	0000		3149B
GRANTS AND AIDS - BLACK CULTURAL TOURISM		06	45500300	100585	0000		3149B
ENHANCEMENT COMMISSION		06	45500300	100585	0000		3149B
The funds appropriated in Specific Appropriation 3149B, for the Black		06	45500300	100585	5000	S01	3149B
Cultural Tourism Enhancement Commission contingent Senate Bill 442 or		06	45500300	100585	5000	S01	3149B
similar legislation becoming law.		06	45500300	100585	5000	S01	3149B

SECTION 8. The unexpended balance of funds provided to the Department of Economic Opportunity in sections 69, 72, and 75 of chapter 2012-118, Laws of Florida, for the Reemployment Assistance Claims and Benefits Information System, that reverted and were appropriated in the Expenses, Operating Capital Outlay, and Grants and Aids - Contracted Services appropriation categories for Fiscal Year 2012-2013 for the same purpose, shall revert and are appropriated for Fiscal Year 2013-2014 to the Department of Economic Opportunity for the same purpose.

SECTION 9. The unexpended balance of funds provided to the Department of Economic Opportunity in sections 69, 72, and 75 of chapter 2012-118, Laws of Florida, for the Reemployment Assistance Claims and Benefits Information System, that reverted and were appropriated in the Qualified Expenditure Category for that project for Fiscal Year 2012-2013 for the same purpose, shall revert and are appropriated for Fiscal Year 2013-2014 to the Department of Economic Opportunity for the same purpose.

SECTION 10. The unexpended balance of funds provided to the Department of Economic Opportunity in Specific Appropriation 2265 of chapter 2012-118, Laws of Florida, and subsequently allocated by budget amendments EOG #B2013-0186 and EOG# B2013-0323, for the Reemployment Assistance Claims and Benefits Information System, and funds remaining in the Qualified Expenditure Category for that project, shall revert and are appropriated for Fiscal Year 2013-2014 to the Department of Economic Opportunity for the same purpose.

SECTION 11. The unexpended balance of General Revenue funds provided to the Department of Economic Opportunity in Specific Appropriation 2314 of chapter 2012-118, Laws of Florida, for Economic Development Tools in the Qualified Expenditure Category, shall revert immediately.

SECTION 12. The unexpended balance of funds provided for Fiscal Year 2012-2013 to the Department of Economic Opportunity in section 76 of chapter 2012-118, Laws of Florida, including any funds remaining in unbudgeted reserve, for the contract executed with the Economic Development Commission of Florida's Space Coast for the charitable purpose of developing and implementing an innovative economic development program for promoting research and development, commercialization of research, economic diversification, and job creation in a "disproportionally affected community" in Brevard County, including the unreleased balance of funds held in reserve, shall revert and are appropriated for Fiscal Year 2013-2014 to the Department of Economic Opportunity for the same purpose.

SECTION 13. The unexpended balance of funds provided for Fiscal Year 2012-2013 to the Department of Economic Development in section 73 of chapter 2012-118, Laws of Florida, including the unreleased balance of funds held in reserve, for the State Small Business Credit Initiative shall revert and is appropriated for Fiscal Year 2013-2014 to the

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Department of Economic Opportunity for the same purpose.

SECTION 14. The unexpended balance of funds provided to the Department of Economic Opportunity pursuant to budget amendments EOG #B2013-0249 and EOG #B2013-0385 for a federal National Emergency Grant related to Tropical Storm Debby shall revert and is appropriated for Fiscal Year 2013-2014 to the Department of Economic Opportunity for the same purpose.

SECTION 15. The sum of $31,088,873 is appropriated from the Employment Security Administration Trust Fund to the Department of Economic Opportunity for Fiscal Year 2012-2013 to cover expenditures made in the Grants and Aids - Regional Workforce Board appropriation category. This section is effective upon this act becoming law.

SECTION 16. The unexpended balance of funds provided for domestic security projects in Administered Funds in Specific Appropriation 2026A of chapter 2012-118, Laws of Florida, to the Division of Emergency Management, that was subsequently allocated to the division in budget amendment EOG #B2013-0014, and the unexpended balance of funds provided for Fiscal Year 2012-2013 to the division in section 78 of chapter 2012-118, Laws of Florida, for domestic security projects, shall revert and are appropriated for Fiscal Year 2013-2014 to the Division of Emergency Management for the same purpose.

SECTION 17. The unexpended balance of funds provided to the Division of Emergency Management for federal Emergency Management Performance grants in Specific Appropriations 2579 and 2599 of chapter 2012-118, Laws of Florida, as adjusted by budget amendment EOG #2013-0041, and the unexpended balance of funds provided for Fiscal Year 2012-2013 to the division in section 79 of chapter 2012-118, Laws of Florida, shall revert and are appropriated for Fiscal Year 2013-2014 to the Division of Emergency Management for the same purpose.

SECTION 18. The unexpended balance of state funds appropriated to the Office of Motor Carrier Compliance in the Department of Highway Safety and Motor Vehicles in Specific Appropriations 2612 through 2623 in Fiscal Year 2012-13 shall, upon reversion, be deposited into the State Transportation Trust Fund in the Department of Transportation by a nonoperating transfer.

SECTION 19. The unexpended balance of funds provided to the Department of Highway Safety and Motor Vehicles in SpecificAppropriation 2704, Tax Collector Network - County Systems, of Chapter 2012-118 Laws of Florida, shall revert and is reappropriated for the 2013-2014 Fiscal Year for the same purpose.-

SECTION 20. The sum of $85,635 is appropriated from the General Revenue Fund to the Department of State for the 2012-13 fiscal year for a

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library grant to the Okaloosa County Library. This section shall be effective upon becoming law.

SECTION 21. The unexpended balance of general revenue funds appropriated to the Department of State in Specific Appropriation 3148A of chapter 2012-118, Laws of Florida, shall revert immediately and is appropriated for Fiscal Year 2013-14 for the purpose of continuing Phase II of the repair and maintenance of the Grove Historic Property.

SECTION 22. The unexpended balance of funds provided pursuant to chapter 2012-118, section 84, Laws of Florida, and approved budget amendment: EOG #2009-0082, dated April 15, 2009, for the Transportation Infrastructure - American Recovery and Reinvestment Act of 2009 (088825) appropriation category in the Department of Transportation, shall revert immediately and is appropriated for Fiscal Year 2013-2014 to the department for the same purpose.

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Proposed Implementing Bill Language

Coast to Coast Connector Trail - $50 million

The subcommittee budget proposal includes proviso language and a special category appropriation in the General Appropriations Bill providing the budget authority for commitment.

Implementing bill language will provide for time-limited law changes notwithstanding the funding eligibility and geographic equity requirements of chapter 339, Florida Statutes.

Tampa Bay Area Regional Expressway Authority - $200,000

Implementing bill language will authorize a time-limited law change to authorize the use of State Transportation Trust Funds for expenses incurred by TBARTA in furthering the provisions of ch. 2012-174, L.O.F., providing a financial analysis of costs savings to be achieved by the consolidation of transit authorities.

1 A bill to be entitled
2 An act relating to ; providing an effective date.
3
4 Be It Enacted by the Legislature of the State of Florida:
5
6 Section 1. In order to implement Specific Appropriation ##,
7 subsections (4) and (5) of section 339.135, Florida Statutes, is
8 amended to read:
9 339.135 Work program; legislative budget request;
10 definitions; preparation, adoption, execution, and amendment.—
11 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—
12 (a)1. To assure that no district or county is penalized for
13 local efforts to improve the State Highway System, the
14 department shall, for the purpose of developing a tentative work
15 program, allocate funds for new construction to the districts,
16 except for the turnpike enterprise, based on equal parts of
17 population and motor fuel tax collections. Funds for
18 resurfacing, bridge repair and rehabilitation, bridge fender
19 system construction or repair, public transit projects except
20 public transit block grants as provided in s. 341.052, and other
21 programs with quantitative needs assessments shall be allocated
22 based on the results of these assessments. The department may
23 not transfer any funds allocated to a district under this
24 paragraph to any other district except as provided in subsection
25 (7). Funds for public transit block grants shall be allocated to
26 the districts pursuant to s. 341.052. Funds for the intercity
27 bus program provided for under s. 5311(f) of the federal
28 nonurbanized area formula program shall be administered and
29 allocated directly to eligible bus carriers as defined in s.

30 341.031(12) at the state level rather than the district. In
31 order to provide state funding to support the intercity bus
32 program provided for under provisions of the federal 5311(f)
33 program, the department shall allocate an amount equal to the
34 federal share of the 5311(f) program from amounts calculated
35 pursuant to s. 206.46(3).
36 2. Notwithstanding the provisions of subparagraph 1., the
37 department shall allocate at least 50 percent of any new
38 discretionary highway capacity funds to the Florida Strategic
39 Intermodal System created pursuant to s. 339.61. Any remaining
40 new discretionary highway capacity funds shall be allocated to
41 the districts for new construction as provided in subparagraph
42 1. For the purposes of this subparagraph, the term "new
43 discretionary highway capacity funds" means any funds available
44 to the department above the prior year funding level for
45 capacity improvements, which the department has the discretion
46 to allocate to highway projects.
47 3. Notwithstanding subparagraphs 1. and 2. and ss.
48 201.15(1)(c)1.a.-d., 206.46(3), 334.044(26), and 339.2819(3),
49 and for the 2011-2012 fiscal year only, the department shall
50 reduce work program levels to balance the finance plan to the
51 revised funding levels resulting from any reduction in the 2011-
52 2012 General Appropriations Act. This subparagraph expires July
53 1, 2012.
54 4. For the 2011-2012 fiscal year only, before any project
55 or phase thereof is deferred, the department's cash balances
56 shall be as provided in paragraph (6)(b), and the reductions in
57 subparagraph 3. shall be made to financial projects not
58 programmed for contract letting as identified with a work

59 program contract class code 8 and the box code RV. These
60 reductions shall not negatively impact safety or maintenance or
61 project contingency percentage levels as of April 21, 2011. This
62 subparagraph expires July 1, 2012.
63 5. Notwithstanding subparagraphs 1. and 2. and ss.
64 206.46(3) and 334.044(26), and for fiscal years 2009-2010
65 through 2013-2014 only, the department shall annually allocate
66 up to $15 million of the first proceeds of the increased
67 revenues estimated by the November 2009 Revenue Estimating
68 Conference to be deposited into the State Transportation Trust
69 Fund to provide for the portion of the transfer of funds
70 included in s. 343.58(4)(a)1.a. or 2.a., as applicable. The
71 transfer of funds included in s. 343.58(4) shall not negatively
72 impact projects included in fiscal years 2009-2010 through 2013-
73 2014 of the work program as of July 1, 2009, as amended pursuant
74 to subsection (7). This subparagraph expires July 1, 2014.
75 (b) Notwithstanding paragraph (a), and for the 2013-14
76 fiscal year only, the Department of Transportation is authorized
77 to use appropriated funds for the purpose of funding the costs
78 of land acquisition, design, and construction of multi-use
79 trails and related facilities. Funds specifically appropriated
80 for this purpose, shall not reduce, delete, or defer any
81 existing projects funded as of July 1, 2013, in the Department
82 of Transportation 5-year work program. This paragraph expires
83 July 1, 2014.
84
85 RENUMBER SUBSEQENT SECTIONS
86
87 (5) ADOPTION OF THE WORK PROGRAM.—

88 (a) The original approved budget for operational and fixed
89 capital expenditures for the department shall be the Governor's
90 budget recommendation and the first year of the tentative work
91 program, as both are amended by the General Appropriations Act
92 and any other act containing appropriations. In accordance with
93 the appropriations act, the department shall, before the
94 beginning of the fiscal year, adopt a final work program which
95 shall only include the original approved budget for the
96 department for the ensuing fiscal year, together with any roll
97 forwards approved pursuant to paragraph (6)(c), and the portion
98 of the tentative work program for the following 4 fiscal years
99 revised in accordance with the original approved budget for the
100 department for the ensuing fiscal year together with the roll
101 forwards. The adopted work program may include only those
102 projects submitted as part of the tentative work program
103 developed under the provisions of subsection (4), plus any
104 projects which are separately identified by specific
105 appropriation in the General Appropriations Act and any roll
106 forwards approved pursuant to paragraph (6)(c). However, any
107 transportation project of the department which is identified by
108 specific appropriation in the General Appropriations Act shall
109 be deducted from the funds annually distributed to the
110 respective district pursuant to paragraph (4)(a). In addition,
111 the department shall not in any year include any project or
112 allocate funds to a program in the adopted work program that is
113 contrary to existing law for that particular year. Projects
114 shall not be undertaken unless they are listed in the adopted
115 work program.
116 (b) Notwithstanding paragraph (a), and for the 2013-14

117 fiscal year only, the Department of Transportation is authorized
118 to use appropriated funds for the purpose of funding the costs
119 of land acquisition, design, and construction of multi-use
120 trails and related facilities. Funds specifically appropriated
121 for this purpose shall not reduce, delete, or defer any existing
122 projects funded as of July 1, 2013, in the Department of
123 Transportation 5-year work program. This paragraph expires July
124 1, 2014.
125 RENUMBER SUBSEQUENT SECTIONS
126
127 Section 2. In order to implement Specific Appropriations
128 ##, subsection (4) of section 335.065, Florida Statutes, is
129 created:
130 335.065 Bicycle and pedestrian ways along state roads and
131 transportation facilities.—
132 (4) Notwithstanding any other provision of law to the
133 contrary, the department is authorized to use funds specifically
134 appropriated for the purpose of the acquisition and development
135 of an integrated system of interconnected multi-use trails of
136 statewide significance, and to pay the costs of land
137 acquisition, design, and construction of trails and related
138 facilities. When selecting projects for funding under this
139 section, the department shall give priority to trail projects
140 which have been identified by the Florida Greenways and Trails
141 Council as a priority within the Florida Greenways and Trails
142 System pursuant to Chapter 260; and provide trail connectivity
143 by eliminating gaps between existing trails. All projects funded
144 under this section shall be included in the department's work
145 program developed pursuant to s. 339.135. This subsection shall

146 expire on July 1, 2014.
147 Section 3. The amendment to s. 335.065, F.S., made by this
148 act shall expire on July 1, 2014, and the text of that
149 subsection shall revert to that in existence on June 30, 2013,
150 except that any amendments to such text enacted other than by
151 this act shall be preserved and continue to operate to the
152 extent that such amendments are not dependent upon the portions
153 of such text which expire pursuant to this subsection.
154 Section 4. This act shall take effect July 1, 2013.

Tampa Bay Regional Expressway Authority - $200K

In order to implement specific appropriation # of the 2013-14 General Appropriations Act, paragraph (n) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be resticted to the following purposes:

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation authority created under chapter 343, where jurisdiction for the authority includes a portion of the State Highway System and the expenses are in furtherance of the provisions of ch.2012,-174, Laws of Florida, to provide a financial analysis of the costs savings to be achieved by the consolidation of transit authorities within the region. This paragraph expires on July 1, 2014.

(p) To pay other lawful expenditures of the department.

Proposed Conforming Legislation

The proposed conforming bill redirects an existing fee charged on annual vehicle registrations pursuant to s. 320.0804, F.S.

- Current law provides for a $4 surcharge on annual vehicle registrations, of which $2 is distributed to the General Revenue Fund and $2 to the State Transportation Trust Fund.
- The proposed legislation will redirect $1 of the current distribution from the State Transportation to the Highway Safety Trust Fund.
- The recurring impact of this fee redirect is:
    - Department of Transportation ($18 m)
    - Department of Highway Safety and Motor Vehicles - $18 m

576-02355-13

A bill to be entitled

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 320.0804, F.S.; revising and directing the distribution of the vehicle license tax surcharge into the State Transportation Trust Fund and the Highway Safety Operating Trust Fund; providing an effective date.

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

Section 1. Section 320.0804, Florida Statutes, is amended to read:

320.0804 Surcharge on license tax; ~~transportation~~ trust funds ~~fund~~.—There is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of $4, which shall be collected in the same manner as the license tax. Of this amount, $1 ~~$2~~ shall be deposited into the State Transportation Trust Fund, $1 shall be deposited into the Highway Safety Operating Trust Fund, and $2 shall be deposited into the General Revenue Fund.

Section 2. This act shall take effect October 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

CourtSmart Tag Report

Room: EL 110 **Case:** **Type:**
Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development **Judge:**

Started: 3/27/2013 9:31:36 AM
Ends: 3/27/2013 11:53:26 AM Length: 02:21:51

9:31:41 AM	Sen. Margolis calls the meeting to order
9:31:43 AM	Roll call
9:32:03 AM	Sen. Margolis - CS/SB 94
9:32:15 AM	Sen. Joyner presents CS/SB 94 - Disabled Parking Permits
9:33:35 AM	Sen. Margolis
9:33:50 AM	Sen. Joyner
9:33:55 AM	Sen. Margolis
9:34:33 AM	Sen. Joyner
9:34:54 AM	Sen. Margolis
9:35:13 AM	Matt Montgomery,Legislative Affairs Director, FL Dept. of Highway Safety and Motor Vehicles
9:35:50 AM	Sen. Margolis
9:36:33 AM	Sen. Gibson
9:37:21 AM	Sen. Margolis
9:37:24 AM	Sen, Sobel
9:37:54 AM	Sen. Margolis
9:38:02 AM	Roll call on CS/SB 94
9:38:26 AM	Sen. Margolis - CS/SB 94 reported favorably
9:38:41 AM	Sen. Detert - CS/SB 1024 strike-all Amendment 284028 by Sen. Latvala
9:38:48 AM	Sen. Margolis
9:38:53 AM	Sen. Detert
9:39:14 AM	Sen. Latvala
9:39:29 AM	Sen. Detert
9:39:46 AM	Sen. Latvala
9:39:49 AM	Sen. Margolis
9:39:54 AM	Sen. Evers
9:39:58 AM	Sen. Detert
9:40:16 AM	Sen. Margolis
9:40:21 AM	Sen. Sobel
9:40:23 AM	Sen. Detert
9:43:09 AM	Sen. Margolis
9:43:14 AM	Sen. Latvala
9:43:21 AM	Sen. Margolis
9:43:25 AM	Sen. Gibson
9:43:29 AM	Sen. Detert
9:43:31 AM	Sen. Gibson
9:44:14 AM	Sen. Detert
9:44:22 AM	Sen. Gibson
9:44:28 AM	Sen. Detert
9:44:51 AM	Sen. Gibson
9:45:40 AM	Sen. Detert
9:46:06 AM	Sen. Gibson
9:46:26 AM	Sen. Detert
9:46:44 AM	Sen. Margolis
9:46:53 AM	Sen. Margolis - amendment 284028 adopted
9:47:13 AM	Sen,. Sobel
9:47:56 AM	Sen. Detert
9:47:59 AM	Sen, Margolis
9:48:05 AM	Sen. Margolis - Sen. Simpson moves for a committee substitute
9:48:21 AM	Carolyn Johnson, Policy director, Florida Chamber of Commerce - waives in support
9:48:32 AM	Brian Pitts, Trustee, Justice-2-Jesus
9:52:35 AM	Sen. Margolis
9:52:45 AM	Sen. Detert closes on CS/SB 1024

9:53:26 AM	Sen. Margolis
9:53:31 AM	Sen, Detert
9:53:34 AM	Sen. Margolis
9:53:37 AM	Roll call on CS/CS/SB 1024
9:53:56 AM	Sen. Margolis - CS/CS/SB 1024 reported favorably
9:54:00 AM	Sen. Detert - prresents CS/SB 222
9:55:35 AM	Sen. Margolis
9:55:45 AM	Sen. Detert - Amendment 448460 by Sen. Latvala
9:55:51 AM	Sen. Margolis
9:55:51 AM	Sen. Latvala
9:56:03 AM	Sen. Detert
9:56:13 AM	Sen. Latvala
9:56:19 AM	Sen. Detert
9:56:22 AM	Sen. Latvala
9:56:30 AM	Sen. Detert
9:56:55 AM	Jennifer Hrdlicka, Staff Director, Commerce and Tourism Committee
9:57:36 AM	Sen. Latvala
9:57:37 AM	Sen. Margolis
9:57:38 AM	Sen. Latvala
9:57:42 AM	Ms. Hrdlicka
9:57:45 AM	Sen. Latvala
9:58:01 AM	Sen. Detert
9:58:23 AM	Sen. Latvala
9:58:29 AM	Sen. Margolis
9:58:30 AM	Sen. Brandes
9:58:35 AM	Sen. Evers
9:58:39 AM	Sen. Margolis
9:58:46 AM	Sen. Detert
9:58:47 AM	Sen. Margolis
9:58:53 AM	Sen. Detert
9:59:08 AM	Sen. Latvala
9:59:35 AM	Sen. Margolis
9:59:43 AM	Sen. Gibson
10:00:00 AM	Sen. Detert
10:00:04 AM	Sen. Gibson
10:00:08 AM	Sen. Detert
10:00:10 AM	Sen. Margolis
10:00:27 AM	Sen. Detert
10:00:50 AM	Sen.Margolis
10:00:52 AM	Sen. Latvala
10:01:10 AM	Sen. Detert
10:01:17 AM	Sen. Latvala
10:01:18 AM	Sen. Detert
10:01:20 AM	Sen. Latvala
10:01:23 AM	Sen. Detert
10:02:11 AM	Sen. Margolis
10:02:23 AM	Sen. Detert
10:02:31 AM	Sen. Margolis
10:02:35 AM	Thomas Clendenning, Workforce Services Director, FL Department of Economic Development
10:03:57 AM	Sen. Margolis
10:04:01 AM	Sen. Simpson
10:04:15 AM	Sen. Detert
10:04:55 AM	Sen. Margolis
10:05:10 AM	Sen. Detert
10:05:29 AM	Sen. Margolis
10:05:38 AM	Sen. Gardiner - Temporarily Postponed SB 222
10:05:44 AM	Sen. Detert
10:05:58 AM	Sen. Gardiner - SB 1188 by Sen. Hays
10:06:05 AM	Nanci Cornwell, Legislative Assistant, Sen. Hays Office - presents CS/SB 1188
10:07:04 AM	Sen. Gardiner -Amendment 878626 and Substitute Amendment 807324 by Sen. Evers
10:07:28 AM	Ms. Cornwell explains amendment
10:07:47 AM	Sen. Gardiner - Amendment 807324 adopted

10:08:07 AM Brian Pitts, Justice-2-Jesus
10:10:00 AM Sen. Gardiner
10:10:10 AM Ms. Cornwell waives close
10:10:12 AM Sen. Gardiner - Sen. Lee moves a committee substitute for CS/SB 1188
10:10:24 AM Roll call on CS/CS/SB 1188
10:10:41 AM Sen. Gardiner - CS/CS/SB 1188 reported favorably
10:10:57 AM Sen. Brandis - CS/SB 1458, Dept. of Highway Safety and Motor Vehicles bill
10:12:51 AM Sen. Gardiner
10:13:04 AM Sen. Gibson
10:13:33 AM Sen. Brandes
10:13:39 AM Sen. Gibson
10:13:59 AM Sen. Gardiner
10:14:00 AM Sen. Brandes
10:14:04 AM Sen. Gardiner
10:14:11 AM Sen. Ring
10:14:22 AM Sen. Brandes
10:14:45 AM Sen. Ring
10:14:59 AM Sen. Brandes
10:15:17 AM Sen. Ring
10:15:32 AM Sen. Brandes
10:16:01 AM Sen. Ring
10:16:17 AM Sen. Brandes
10:16:45 AM Sen. Ring
10:16:49 AM Sen. Gardiner
10:17:23 AM Sen. Latvala
10:17:40 AM Sen. Gardiner
10:17:44 AM Sen. Brandes
10:17:47 AM Sen. Gardiner
10:17:50 AM Mr. Montgomery, HSMV
10:18:11 AM Sen. Latvala
10:18:21 AM Mr. Montgomery
10:18:26 AM Sen, Latvala
10:18:29 AM Sen. Gardiner
10:18:52 AM Sen. Gardiner - Late-filed Substitute Amendment 839942 by Sen. Brandes
10:18:58 AM Sen. Lee - presents Amendment 537550 and late-filed Substitute Amendment 839942 by Sen. Brandes
10:22:09 AM Sen. Gardiner
10:22:16 AM Sen. Gardiner - Substitute Amendment 839942 by Sen. Brandes
10:23:00 AM Sen. Brandes describes substitute Amendment 839942
10:23:40 AM Sen. Gardiner
10:23:48 AM Sen. Lee
10:24:46 AM Sen. Gardiner - introduces late-filed Substitute Amendment 839942
10:25:06 AM Sen. Brandes
10:25:07 AM Sen. Gardiner
10:25:19 AM Sen. Brandes
10:25:30 AM Sen. Gardiner
10:25:36 AM Sen. Brandes
10:27:15 AM Sen. Gardiner
10:28:12 AM Jorge L. Conforme, Government Affairs, LKQ Corp.
10:30:03 AM Sen. Gardiner
10:30:19 AM James Butler, Vice President, Florida Auto Recycling - Butler Auto Recycling, Pensacola, FL
10:30:54 AM Sen. Gardiner
10:30:57 AM Sen. Gibson
10:31:29 AM Mr. Butler
10:31:51 AM Sen. Evers
10:31:52 AM Sen. Gardiner
10:31:53 AM Sen. Evers
10:32:19 AM Mr. Butler
10:32:22 AM Sen. Evers
10:32:24 AM Mr. Butler
10:32:30 AM Sen. Evers
10:32:37 AM Mr. Butler
10:33:54 AM Sen. Margolis

10:34:23 AM Sen. Gardiner
10:34:28 AM Mr. Butler
10:35:03 AM Sen. Margolis
10:35:27 AM Sen. Gardiner
10:35:42 AM Brad Lewis, Manager, Suwannee Salvage, Live Oak, FL
10:36:20 AM Sen. Gardiner
10:36:43 AM Ryan Toole, SSA FBI (retired), Fairfax, Va.
10:41:29 AM Sen. Gardiner
10:41:43 AM Towson Fraser, Partner, Southern Strategy Group, Copart
10:45:06 AM Sen. Gardiner
10:45:11 AM Sen. Lee
10:45:34 AM Mr. Fraser
10:46:06 AM Sen. Lee
10:47:07 AM Sen. Brandes
10:47:08 AM Sen. Gardiner
10:47:10 AM Sen. Brandes
10:47:40 AM Sen. Gardiner
10:47:47 AM Sen. Lee
10:47:59 AM Mr. Fraser
10:48:10 AM Sen. Lee
10:48:18 AM Sen. Gardiner
10:48:21 AM Sen. Brandes
10:49:24 AM Sen. Gardiner
10:49:34 AM Sen. Brandes
10:49:37 AM Sen. Gardiner
10:49:48 AM Ron LaFace, Insurance Automotive Auctions (IAA)
10:53:23 AM Sen. Latvala
10:53:25 AM Sen. Gardiner
10:53:25 AM Sen. Latvala
10:53:31 AM Sen. Gardiner
10:53:33 AM Sen. Sobel
10:53:40 AM Mr. LaFace
10:53:44 AM Sen. Sobel
10:53:46 AM Mr. LaFace
10:54:33 AM Sen. Sobel
10:54:39 AM Mr. LaFace
10:54:56 AM Sen. Gardiner
10:54:59 AM Sen. Stargel
10:55:40 AM Mr. LaFace
10:57:03 AM Sen. Gardiner
10:57:09 AM Sen. Latvala
10:57:12 AM Sen. Gardiner
10:57:14 AM Sen. Lee
10:57:56 AM Mr. LaFace
10:58:49 AM Sen. Gardiner
10:59:35 AM Mr. LaFace
10:59:50 AM Sen. Gardiner
10:59:54 AM Mr. LaFace
10:59:59 AM Sen. Gardiner
11:00:18 AM Mr. LaFace
11:01:08 AM Sen. Gardiner
11:01:55 AM Sen. Latvala
11:02:54 AM Sen. Gardiner
11:02:56 AM Sen. Lee
11:04:36 AM Sen. Gardiner
11:04:39 AM Sen. Ring
11:05:40 AM Sen. Gardiner
11:05:44 AM Sen. Sobel
11:06:19 AM Sen. Gardiner
11:06:23 AM Sen. Brandes
11:06:35 AM Sen. Gardiner
11:06:44 AM Sen. Gardiner - Amendment 609214 by Sen. Lee and Substitute Amendment 642866 by Sen. Brandes

11:06:55 AM Sen. Gardiner - withdraw Amendment 609214 by Sen. Lee and Substitute Amendment 642866 by Sen. Brandes
11:07:24 AM Sen. Margolis - Presents Amendmenet 421682
11:08:06 AM Sen. Gardiner - Late-filed Amendment to the Amendment 588566 by Sen. Brandes adopted
11:08:26 AM Sen. Brandes - Presents late-filed Amendment to the Amendment 588566
11:08:49 AM Sen. Gardiner
11:09:01 AM Sen. Margolis
11:09:04 AM Sen. Gardiner - Amendment 421682 as amended adopted
11:09:11 AM Sen. Gardiner - Amendment 247900 by Sen. Evers
11:09:19 AM Sen. Evers - presents Amendement 247900
11:10:04 AM Sen. Gardiner
11:10:12 AM Senl. Gardiner - Amendment 247900 adopted
11:10:15 AM Sen. Gardiner - Amendment 263932 by Sen. Evers
11:10:21 AM Sen. Evers - Presents Amendment 263932
11:10:28 AM Sen. Gardiner - Amendment 263932 adopted
11:10:38 AM Sen. Margolis
11:10:39 AM Sen. Gardiner - Presents Amendment 818276
11:11:46 AM Sen. Margolis - Amendment to the Amendment 556300 by Sen. Brandes
11:11:59 AM Sen. Brandes - Presents Amendment to the Amendment 556300
11:12:08 AM Sen. Margolis - Amendment to Amendment 556300 and Amendment 818276 approved
11:12:42 AM Sen. Gardiner
11:12:48 AM Sen. Gardiner - late-filed Amendment 433630 by Sen. Brandes introduced
11:12:58 AM Sen. Brandes - Presents Amendment 433630
11:13:15 AM Sen. Gardiner - Amendment 433630 adopted
11:13:28 AM Sen. Gardiner - late-filed Amendment 212266 by Sen. Brandes
11:13:31 AM Sen. Brandes - Presents Amendment 212266
11:13:47 AM Sen. Gardiner - Amendment 212266 adopted
11:13:59 AM Sen. Gardiner - late-filed Amendment 776840 by Sen. Brandes introduced
11:14:07 AM Sen. Brandes - Presents Amendment 776840
11:14:21 AM Sen. Gardiner
11:14:30 AM Sen. Gibson
11:14:43 AM Sen. Gardiner
11:14:44 AM Sen. Brandes
11:15:11 AM Sen. Gardiner
11:15:14 AM Sen. Gibson
11:15:36 AM Sen. Gardiner
11:15:38 AM Sen. Brandes
11:16:30 AM Sen. Gardiner
11:16:33 AM Sen. Ring
11:16:47 AM Sen. Gardiner
11:16:50 AM Sen. Evers
11:16:58 AM Sen. Gardiner
11:16:59 AM Sen. Brandes
11:17:24 AM Sen. Brandes - withdraws Amendment 776840
11:17:28 AM Sen. Latvala
11:17:35 AM Sen. Gardiner - late-filed Amendment 780262 by Sen. Sobel introduced
11:18:21 AM Sen. Sobel - Presents Amendment 780262
11:20:07 AM Sen. Gardiner
11:20:15 AM Sen. Latvala
11:20:20 AM Sen. Sobel
11:20:24 AM Sen. Gardiner
11:20:26 AM Sen. Evers
11:20:38 AM Sen. Sobel
11:20:42 AM Sen. Gardiner
11:20:55 AM Sen. Sobel
11:21:01 AM Sen. Evers
11:21:03 AM Sen. Gardiner
11:21:04 AM Sen. Sobel
11:21:07 AM Sen. Evers
11:21:08 AM Sen. Sobel
11:21:09 AM Sen. Evers
11:21:25 AM Sen. Sobel

11:21:28 AM Sen. Gardiner
11:21:36 AM Sen. Sobel
11:21:37 AM Sen. Evers
11:21:39 AM Sen. Gardiner
11:22:12 AM Mary-Lynn Cullen, Legislative Liaison, Advocacy Institute for Children
11:24:53 AM Sen. Gardiner
11:24:54 AM Ms. Cullen
11:25:19 AM Sen. Gardiner
11:25:32 AM Sen. Brandes
11:25:55 AM Sen. Gardiner
11:26:04 AM Sen. Gardiner - Amendment 780262 adopted
11:26:26 AM Sen. Gardiner Sen Lee moves CS
11:26:26 AM Sen. Brandes waives close on CS/SB 1458
11:26:27 AM Sen. Gardiner - Sen. Lee moves a Committee Substitute for CS/SB 1458
11:26:38 AM Roll call on CS/CS/SB 1458
11:26:55 AM Sen. Gardiner - CS/CS/SB 1458 reported favorably
11:27:14 AM Sen. Thompson
11:27:21 AM Sen. Gardiner
11:27:46 AM Skip Martin, Staff Director, Approp. Subcom. on Trans., Tour., & Econ. Dev. - Presents changes to buget issues
11:34:26 AM Sen. Gardiner
11:34:33 AM Sen. Latvala
11:34:50 AM Sen. Gardiner
11:35:10 AM Sen. Latvala
11:35:12 AM Sen. Gardiner
11:35:17 AM Sen. Gibson
11:35:33 AM Sen. Gardiner
11:35:53 AM Sen. Gibson
11:36:41 AM Sen.Gardiner
11:36:49 AM Sen. Ring
11:36:55 AM Sen. Gardiner
11:37:41 AM Sen. Margolis
11:37:46 AM Sen. Gardiner
11:37:57 AM Sen. Margolis
11:38:02 AM Sen. Latvala
11:38:06 AM Sen Margolis
11:38:10 AM Sen. Gardiner - National Mortgage Settlement
11:40:28 AM Sen. Margolis
11:40:39 AM Sen. Gibson
11:41:10 AM Sen. Margolis
11:41:13 AM Sen. Gardiner
11:41:36 AM Sen. Margolis
11:41:37 AM Sen. Latvala
11:41:53 AM Sen. Margolis
11:41:55 AM Sen. Gardiner
11:41:58 AM Sen. Latvala
11:42:15 AM Sen. Gardiner
11:42:43 AM Sen. Latvala
11:43:14 AM Sen. Gardiner
11:43:17 AM Sen. Latvala
11:43:23 AM Sen. Gibson
11:44:35 AM Sen. Margolis
11:44:37 AM Sen. Thompson
11:45:08 AM Sen. Margolis
11:45:09 AM Sen. Gardiner
11:45:36 AM Sen. Margolis
11:45:38 AM Sen. Thompson
11:46:07 AM Sen. Margolis
11:46:08 AM Sen. Gardiner
11:47:06 AM Sen. Thompson
11:47:07 AM Sen. Margolis
11:47:09 AM Sen. Simpson

11:47:20 AM	Sen. Gardiner
11:47:34 AM	Sen. Margolis
11:47:37 AM	Sen. Gibson
11:47:52 AM	Sen. Margolis
11:47:54 AM	Sen. Gardiner
11:48:19 AM	Sen. Margolis
11:48:36 AM	Steve Metz, FL Bar Foundation
11:49:49 AM	Sen. Margolis
11:49:58 AM	Richard Pinsky, Public Housing Authorities of FL
11:51:28 AM	Sen. Margolis
11:51:40 AM	Barbara Inman, Ex. Dir. Habitat for Humanity
11:52:08 AM	Sen. Margolis - proposed legislation recommended favorably
11:52:39 AM	Sen. Gardiner
11:52:40 AM	Sen. Ring
11:53:18 AM	Sen. Gardiner
11:53:23 AM	Meeting adjourned